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READ AND PRESERVE!

Rail Road - In

SELECT SPEECHES

OF

HON. GEO. W. JULIAN,

OF INDIANA,

*Delivered in the House of Representatives of the United States,
since the Beginning of the late Rebellion.*

CINCINNATI:

GAZETTE STEAM BOOK AND JOB PRINTING ESTABLISHMENT.

1867.

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INTRODUCTORY.

The friends of Mr. JULIAN in the District he has so long and so faithfully represented, earnestly desiring his continuance in Congress, have deemed it proper to republish the following *Congressional Speeches*, delivered since the beginning of the late rebellion, and circulate them in the Counties now united with Wayne, Union, and Fayette, as the new Fourth District. The reason for this is their desire that his sagacity, statesmanship, and faithfulness to his trust, shall be judged in the light of present events, and by his own principles, publicly avowed long before they were accepted by the Government. His ablest and most elaborate Speech, delivered January 14th, 1862, on the "Cause and Cure of our National Troubles," is omitted from this series, having been considerably circulated already in the counties referred to. His next Speech, delivered in May following, on "Confiscation and Liberation," is similar in style and character, and is the first of the series. That delivered in February, 1863, on the "Mistakes of the Past, the duty of the Present," is a merciless review of "Democratic policy," as seen in the facts and figures which had been supplied by the investigations of the Committee on the Conduct of the War. The next is a very thorough one, delivered in the winter of 1863-4, on his bill to provide "Homesteads for Soldiers on the Lands of Rebels," which was followed by another on the same subject, involving a controversy with Mr. MALLORY, of Kentucky, who met with a most humiliating defeat. The next of the series was delivered the following winter, on "Radicalism and Conservatism," closing with a handsome and eloquent tribute to the Anti-Slavery pioneers. The remaining Speeches, all delivered during the Thirty-ninth Congress, on "Suffrage in the District of Columbia," on "Amending the Constitution," on "Radicalism, the Nation's Hope," on "The Punishment of Rebel Leaders," and on "Regeneration before Reconstruction," add still further to his reputation as a thinker, and a perfectly independent man, who knows how to say what he thinks. All his Speeches breathe the same spirit of freedom, and have the merit of careful thought, methodical arrangement, and a remarkable clear and forcible diction.

The leading facts of Mr. JULIAN'S career as a public man, are so well known, that no particular recital of them is needed by his old friends and constituents. He was an active leader in the Great Free Soil Revolt of 1848, which made California a free State; saved Oregon from Slavery; gave cheap postage to the people, and launched the policy of free homes on the public domain, which finally prevailed so many years later. He was a member of the memorable Thirty-first Congress, and bravely resisted the Great Compromise, by which the Wilmot Proviso was sacrificed, and the principle of popular sovereignty inaugurated, which ended in the raid into Kansas and kindred aggressions of Slavery. In 1852, his services and reputation received honorable national recognition in his nomination by the Pittsburg Convention for the Vice Presidency of the United States, on the ticket with the HON. JOHN P. HALE. In the years 1854 and 1855, he encountered the relentless hostility of his opponents and his former political friends, by his earnest warfare against Know-Nothingism, which he waged till this strange movement ceased to trouble our politics. In 1856 he was one of the Vice Presidents of the first National Republican Convention ever held, and Chairman of the Committee on Organization, through whose plan of action, the party, as a national one, first took life. He has been the unflinching advocate of freedom under all circumstances, and regardless of consequences personal to himself; and this honor, we believe, is now accorded to him, by men of all parties. He was a member of the Committee on Public Lands, in the Thirty-seventh Congress, and aided in perfecting the Homestead law of 1862, embodying a policy which he publicly espoused twenty years ago. During the Thirty-eighth and Thirty-ninth Congress he was Chairman

of that Committee, and as such reported an important amendment to the Homestead law, and his well known bill dedicating to homestead entry and settlement all the public lands of the lately rebellious States, both of which measures passed. He also reported from the same Committee, a bill which passed the House, providing "homesteads for soldiers on the lands of rebels;" a very popular measure, which would have solved many vexed questions which have troubled the country since. Early in the Thirty-seventh Congress he was appointed by Speaker GROW, a member of the joint Committee of both Houses, on the Conduct of the War, to which very honorable and responsible position, he was re-appointed by Speaker COLFAX at the beginning of the Thirty-eighth Congress, serving faithfully on said Committee, nearly four years. He has dealt very thoroughly with the subject of mineral lands, insisting upon the policy of vesting the fee of these lands in the miners; which policy has finally prevailed. His report at the long session of the last Congress, against granting bounties to soldiers in lands, showing the reasons for opposing such grants, first opened the way for the legislation which followed, and was the prime cause of it, granting bounties in money. It should be added, that his well-timed bill on the subject of Agricultural College scrip, which passed at the March session of the Fortieth Congress, arrested and prevented the wholesale issue of such scrip by the President, to the States lately in rebellion.

In addition to the important measures introduced and advocated by him, already named, we might mention the bill repealing the fugitive slave law of 1850, and of 1793; that abolishing the coast-wise slave trade; the bill equalizing the bounties of soldiers on the basis of eight and one-third dollars per month, in lieu of bounties in land; the bill establishing the right of suffrage in the District of Columbia, without regard to color or race; the bill establishing the same principle in all the Territories of the United States, being the first introduced in either House of Congress on the subject; and the bill now pending, declaring the railroad and swamp lands of the South, and the public lands of Texas, forfeited to the United States, and subject to homestead entry and settlement by the landless poor. It is scarcely necessary to add, that all the great measures growing out of, or connected with the rebellion, have found in him an earnest supporter; and that he has not only zealously sustained the Government in all its grand measures of radicalism, such as the confiscation of rebel property, the arming of negroes as soldiers, and the destruction of slavery, but he has taken a decidedly advanced position on these questions. Applying his radicalism at the end of the war, he has been among the most pronounced and emphatic of those who have demanded the punishment of rebel leaders, and the complete enfranchisement of the freedmen; whilst the late action of Congress on the subject of reconstruction, fully vindicates the position assumed by him and other radicals early in the war, as to the power of Congress over the revolted districts.

This brief record, principally copied from W. H. GODDARD'S "Sketches of the Indiana Delegation," published in pamphlet last year, is submitted with the Speeches which follow; and the Republicans of the Fourth District will decide, in the light of their own interest, and the still imperiled condition of our country, whether they will continue in Congress a capable, faithful, and thoroughly tried public servant, or choose in his stead another, of less experience, less identified with great national issues, and whose fidelity to the people under every form of trial has been less unmistakably established.

S. S. BOYD,
IRA MAXWELL,
JOSEPH M. BULLA,
BENJAMIN F. MILLER,
DAVID COMMONS,
RICHARD J. HUBBARD,
SAMUEL LITTLE,

DANIEL HUFF,
WOODSON W. THRASHER,
SYLVESTER JOHNSON,
JOHN CALLAWAY,
H. B. RUPE,
HOWELL GRAVE,
JOHN HENLEY.

CONFISCATION AND LIBERATION.

SPEECH OF

Hon. GEORGE W. JULIAN,

IN THE HOUSE OF REPRESENTATIVES, FRIDAY, MAY 23, 1862.

The House having under consideration the bill to confiscate the property and free from servitude the slaves of rebels—

Mr. JULIAN said:

Mr. SPEAKER: Before closing the debate on the measures of confiscation and liberation now before us, I desire to submit some general observations which I hope may not be regarded as irrelevant to these topics, or wholly unworthy of consideration. I do not propose to discuss these particular measures. I deem it wholly unnecessary. I believe every thing has been said, on the one side and on the other, which can be said, and far more than was demanded by an honest search after the truth. Certainly I shall not argue, at any length, the power of Congress to confiscate the property of rebels. I take it for granted. I have not allowed myself, for a single moment, to regard the question as open to debate, nor do I believe it would ever have been seriously controverted, had it not been for the infectious influence of slavery in giving us false views of the Constitution of the United States. It was ordained "to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." I take it for granted, that our fathers meant to confer, and did confer upon us, by the terms of the Constitution, the power to execute these grand purposes, and made adequate provision for the exercise of that power. I feel entirely safe in indulging this reasonable intendment in their favor; and I hand over to other gentlemen on this floor, and in the other end of this Capitol, the ungracious task of dealing with the Constitution as a cunningly devised scheme for permitting insurrections, conniving at civil war, and rendering treason to the Government safer than loyalty.

Sir, I have little sympathy for any such friends of the Union, and I honor the Constitution too much, and regard the memory of its founders too sacredly, to permit myself thus to trifle with the work of their hands. The Constitution is not a shield for the protection of rebels against the Government, but a sword for smiting them to the earth, and preserving the nation's life. Every man who

has been blessed with a moderate share of common sense, and who really loves his country, will accept this as an obvious truth. Congress has power—

"To declare war; to grant letters of marque and reprisal; to make rules concerning captures on land and water; to raise and support armies; to provide and maintain a navy; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union; suppress insurrections and repel invasions; and to make all laws which shall be necessary and proper for carrying into effect the foregoing powers."

Here we find ample and express authority for any and every measure which Congress may see fit to employ, consistently with the law of nations and the usages of war, which fully recognise the power of confiscation. And yet for long, weary months we have been arguing, doubting, hesitating, deprecating.

As to what is called slave property, we have been most fastidiously careful not to harm it. We have seen a lion in our path at every step. We have seemed to play the part of graceless stipendiaries of slaveholding rebels, seeking, by technical subterfuges and the ingenious arts of pensioned attorneys in desperate cases, to shield their precious interests from all possible mischief. So long have we been tugging in the harness of our southern taskmasters, that even this horrid conspiracy of rebel slave-masters cannot wholly divorce us from the idea that slavery and the Constitution are one and inseparable. Sir, while I honor the present Congress for its great labors and the many good deeds it has performed, I must yet count it a shame and a reproach that we did not promptly enact an efficient confiscation bill in December last, which would have gone hand in hand with our conquering legions in the work of trampling down the power of this rebellion, and restoring our bleeding and distracted country to the blessings of peace. Many thousands of dear lives and many millions of money would thus have been spared; for which a poor atonement, indeed, can be found in the learned constitutional arguments against confiscation, which have consumed so much of the time of the present session of Congress.

Mr. Speaker, this never ending gabble about the sacredness of the Constitution is becoming intolerable; and it comes from ex-

ceedingly suspicious sources. We find that just in proportion as a man loves slavery, and desires to exalt it above all "principalities and powers," he becomes most devoutly in love with the Constitution as *he* understands it. No class of men among us have so much to say about the Constitution as those who are known to sympathize with Jefferson Davis and the pirate crew at his heels. It will not be forgotten that the red-handed murderers and thieves who set this rebellion on foot, went out of the Union yelping for the Constitution, which they had conspired to overthrow, through the blackest perjury and treason that ever confronted the Almighty. I remember no men who were so zealously on the side of the Constitution, or so studiously careful to save it from detriment as Breckinridge and Burnett, while they remained nominally on the side of the Union. Every graceless miscreant who has wallowed in the filthy mire of slavery till he has outlived his own conscience; every man who would be openly on the side of the rebels if he had the courage to take his stand; every opponent of a vigorous prosecution of the war by the use of all the powers of war, will be found fulminating his dastardly diatribes on the duty of standing by the Constitution. I notice, also—and I do not mean to be offensive—that the Democratic leaders who have recently issued a semi-rebel address from this city, are most painfully exercised lest the Constitution should suffer in the hands of the present Administration.

Mr. Speaker, I prefer to muster in different company. I prefer to show my fealty to the Constitution by treating it as the charter of liberty, as the foe of rebellion, and as amply armed with the power to save its own life by crushing its foes. Sir, who are these men in whose behalf the Constitution is so persistently invoked? They are rebels, who have defied its power, and who, by taking their stand outside of the Constitution, have driven us to meet them on their own chosen ground. By abdicating the Constitution, and conspiring against the Government, they have assumed the character of public enemies, and have thus no rights but the rights of war, while in dealing with them we are bound by no laws but the laws of war. Those provisions of the Constitution which define the rights of persons in time of peace, and which must be observed in dealing with criminals, have no application whatever to a state of war, in which criminals acquire the character of enemies. The powers of war are not unconstitutional, because they are recognized and provided for by the Constitution; but their function and exercise are to be regulated by the law of nations governing a state of war, and not by the terms of the Constitution applicable to a state of peace. Hence I must regard much of this clamor about the violation of the Constitution on our part as the sickly higgling of pro-slavery fanatics, or the poorly disguised rebel sympathy of snivelling hypocrites. We must fight traitors where

they have chosen to meet us. They have treated the Constitution as no longer in force, and we should give them all the consequences, in full, of their position. By setting the Constitution at naught, they have rested their ease on the naked power of lawless might; and, therefore, we will not give them due process of law, by trying, convicting, and hanging them according to the Constitution they have abjured, but we will give them, abundantly, due process of *war*, for which the Constitution makes wise and ample provision.

I have referred, Mr. Speaker, to the influence of slavery in giving us false views of the Constitution. It has also given us false ideas as to the character and purposes of the war. We are fighting, it is said, for the Union as it was. Sir, I should be glad to know what we are to understand by this. If it means that these severed and belligerent States must again be united as one and inseparable, with secession forever laid low, the national supremacy vindicated, and the old flag waving over every State and every rood of the Republic, then I agree to the proposition. Every true Union man will say amen to it. But if, by the Union as it was, we are to understand the Union as we beheld it under the thieving Democracy of the last Administration, with such men as Davis, Floyd, Mason, and their God-forsaken confederates, restored to their places in Congress, in the army, and in the Cabinet; if it means that the reign of terror which prevailed in the Southern States for years prior to this rebellion shall be re-established, by which unoffending citizens of the free States can only enter "the sacred soil" of slavery at the peril of life; if, by the Union as it was, be meant the Union with another James Buchanan as its king, and Chief Justice Taney as its anointed high-priest, steadily gravitating, by the weight of its own rottenness, into the frightful vortex of civil war; then I am not for the Union as it was, but as I believe it will be, when this rebellion shall have worked out its providential lesson. I confess that I look rather to the future than the past; but if I must cast my eye backward, I shall select the early administrations of the Government, when the chains of the slave were crumbling from his limbs, and before the Constitution of 1789 had been mutilated by the servile Democracy of a later generation.

Mr. Speaker, this clamor for the Union as it was, comes from men who believe in the divinity of slavery. It comes from those who would restore slavery in this District if they dared; who would put back the chains upon every slave made free by our Army; who would completely re-establish the slave power over the national Government as in the evil days of the past, which have culminated at last in the present bloody strife, and who are now exhorting us to "leave off agitating the negro question, and attend to the work of putting down the rebellion." Sir, the people of the loyal States understand this question.

They know that slavery lies at the bottom of all our troubles. They know that but for this curse, this horrid revolt against liberty and law would not have occurred. They know that all the unutterable agonies of our many battle-fields, all the terrible sorrows which rend so many thousands of loving hearts, all the ravages and desolation of this stupendous conflict are to be charged to slavery. They know that its barbarism has moulded the leaders of this rebellion into the most atrocious scoundrels of the nineteenth century, or of any century or age of the world. They know that it gives arsenic to our soldiers, mocks at the agonies of wounded enemies, fires on defenceless women and children, plants torpedoes and infernal machines in its path, boils the dead bodies of our soldiers in cauldrons, so that it may make drinking cups of their skulls, spurs of their jaw bones and finger joints, as holiday presents for "the first families of Virginia," and the "descendants of the daughters of Pocahontas." They know that it has originated whole broods of crimes never enacted in all the ages of the past, and that, were it possible, Satan himself would now be ashamed of his achievements, and seek a change of occupation. They know that it hatches into life, under its infernal incubation, the very scum of all the villainies and abominations that ever defied God or cursed his footstool. And they know that it is just as impossible for them to pass through the fiery trials of this war without feeling that slavery is their grand antagonist, as it is for a man to hold his breath and live.

Sir, the loyal people of these States will not only think about slavery and talk about it, during the progress of this war, but they will seek earnestly to use the present opportunity to get rid of it forever. Nothing can possibly sanctify the trials and sufferings through which we are called to pass but the permanent establishment of liberty and peace. If this is not a war of ideas, it is not a war to be defended. As a mere struggle for political power between opposing States, of a mere question of physical strength or courage, it becomes impious in the light of its horrid baptism of fire and blood. It would rank with the senseless and purposeless wars between the despotisms of the Old World, bring with it nothing of good for freedom or the race. What I said on this floor in January last, I repeat here now, that the mere suppression of this rebellion will be an empty mockery of our sufferings and sacrifices, if slavery shall be spared to canker the heart of the nation anew, and repeat its diabolical deeds. Sir, the people of the United States and the armies of the United States, are not the unreasoning machines of arbitrary power, but the intelligent champions of free institutions, voluntarily espousing the side of the Union upon principle. They know, as does the civilized world, that the rebels are fighting to diffuse and eternize slavery, and that that purpose must be met by a manly and conscientious resistance. They feel that

"Thrice is he armed who hath his quarrel just."

and that nothing can "ennoble fight" but a "noble cause." Mr. Speaker, I can conceive of nothing more monstrously absurd, or more flagrantly recreant, than the idea of conducting this war against a slaveholders' rebellion as if slavery had no existence. The madness of such a policy strikes me as next to infinite. Here are more than a million of men called into deadly strife by the struggle of this black power to diffuse itself over the continent, and strike down the cause of free government everywhere, deluging these otherwise happy States with suffering and death without parallel in the history of the world; and yet so far has this power perverted the judgment and debauched the conscience of the country, that we are seriously exhorted to make still greater sacrifices, in order to placate its spirit and spare its life. I thank God that such a policy is simply impossible. The hearts of the people of the free States, and of the soldiers we have sent into the field, beat for liberty; and without their love of liberty, and the belief that it is now in deadly peril, the rebellion would have triumphed, just as the struggle of our fathers, in 1776, would have ended in failure, if it had been possible to make them ignore the great question of human rights which nerved their arms and fired their hearts.

My colleague, [Mr. VOORHEES,] in his speech the other day, was quite eloquent in his condemnation of the financial management of this war, and quite painstaking in his effort to show the magnitude of the debt it is creating. He would do well to remember that when Mr. Chase took charge of the Treasury, the Government could only borrow money by paying one per cent. per month, while United States six per cent. bonds are now at two per cent. premium over American gold. As to the immense burden which this war is heaping upon us, it has been chiefly caused by the mistaken policy of tenderness towards the rebels, and immunity for their pet institution; and this policy has been steadily and strenuously urged by my colleague and his Democratic associates. It has been far less the fault of the Administration than some of our commanding generals, and of conservative gentlemen in both Houses of Congress, who have sought by every means in their power to accommodate the war policy of the Government to the equivocal loyalty of the border States. Many precious lives, and many millions of money were sacrificed by the military policy which neither allowed the army of the Potomac to march against the enemy, nor go into winter quarters during the dreary months which preceded the order of the President, directing a combined movement on the 22d of February last. The policy of delay which has also sought to spare slavery, was never accepted by the President of his own choice, but under the influence of those both in and out of the army in whom he reposed confidence at the time.

I rejoice now to find events all drifting in a different direction. I believe rebels and outlaws are to be dealt with according to their

character. I trust slavery is not much longer to be spared. Congress has already sanctioned the policy of gradual abolition, as recommended by the President, who himself recognizes slavery as the grand obstacle to peace. We have abolished slavery in this District, and thus branded it with national reprobation. We have prohibited it in all national territory, now owned or hereafter to be acquired. We have enacted a new article of war, prohibiting our army from aiding in the recapture of fugitives, and I trust we shall promptly repeal the fugitive slave law of 1850, or at least suspend its operation during the rebellion. We have given freedom to multitudes of slaves through our confiscation act of last July, and by receiving them into our camps and retaining them in our service. We have enacted the homestead bill, which at once recognizes the inalienable rights of the people and the dignity of labor, and thus brands the slave power as no act of the nation ever did before. Since that power has ceased to dominate in Congress, we are perfecting, and shall soon pass a bill for the construction of a Pacific railroad, and another for the abolition of Polygamy in Utah. Our watchwords are now—Freedom, Progress.

Those patriotic gentlemen who have been anxious to hang "abolitionists," as equally guilty with the rebels are changing their time. We are reconsidering the folly of dealing with rebels as "misguided brethren," who must not be exasperated, and while we shall not imitate their barbarities, we are learning to apply to their case the gospel of 'an eye for an eye, and a tooth for a tooth.'

We are waging war in earnest; we are beginning to love freedom almost as dearly as the rebels love slavery; we are animated by a measure of that *resentment* which the rebellion demanded in the very beginning, and has constantly invoked during the progress of the war; and when these troubles are passed the people will honor most those who have sought to crush the rebellion by the quickest and most desperate blows, and who, in the language of Governor Andrew, of Massachusetts, have been willing to recognize *all* men, even black men, as legally capable of that loyalty the blacks are waiting to manifest, and let them fight with God and nature on their side." The proclamation of General Fremont, giving freedom to the slaves of rebels in Missouri has done more to make his name a household word than could all the military glory of the war; and I rejoice that, while the President saw fit to revoke the recent sweeping order of General Hunter, he took pains to couple that revocation with words of earnest warning, which have neither meaning nor application if they do not recognise the authority of the Executive, in his military discretion, to give freedom to the slaves. That this authority will be executed, at no very distant moment, I believe most firmly. The language of the President obviously implies it, and foreshadows it among the thick-coming events of the future. Conservatives and

cowards may recoil from it, and seek to postpone it; but to resist it, unless Congress shall assume it, will be to wrestle with destiny.

Mr. Speaker, I shall support the two measures of confiscation and liberation now before us, for the same reason which led me to support the confiscation bill of last July. They look in the right direction, and I am glad to see any advance step taken by Congress. But I shall retain, at any rate, my faith in the President, and in that logic of events which shows, amid all the seeming triumphs of slavery, that the anti-slavery idea has been steadily and surely marching towards its triumph. The victories of slavery, in fact, have been its defeats. It triumphed in the Missouri compromise of 1820; but that triumph, by begetting new exactions, kindled and diffused an unslumbering anti-slavery sentiment which kept pace with every usurpation of its foe. It triumphed in the annexation of Texas; but this, by paving the way for the Mexican war, more fully displayed its spirit of rapacity, and led to an organized political action against it which finally secured the control of the government. It triumphed in 1850, in the passage of the fugitive slave act, the Texas boundary bill, the overthrow of the Wilmot proviso, and the inauguration of the policy of popular sovereignty in our Territories, which afterwards brought forth such bloody fruits in Kansas. But these measures, instead of glutting the demands of slavery, only whetted its appetite, and brought upon it the roused and intensified hostility of the people. It triumphed in the repeal of the Missouri restriction; but this was, perhaps, the most signal defeat in the whole history of its career of aggression and lawlessness, completely unmasking its real character and designs, and appealing to both conservatives and radicals to combine against it. It triumphed again in the Dred Scott decision, and the election of James Buchanan as President; but this only enabled slave-breeding Democracy to grow to its full stature, and bud and blossom into that perfect luxuriance of diabolism through which the Republican party mounted to power. Slavery triumphed, finally, when it clutched the national Treasury, sent our Navy into distant seas, plundered our arsenals, fired on our flag, and sought to make sure its dominion by wholesale perjury, treason, rapine, and murder; but all this was only a grand challenge to the nation to meet it in mortal combat, giving us the right to choose any weapons recognised by the laws of civilized warfare. Baffled and overborne in all its previous encounters, slavery has now forced upon the nation the question of liberty or death; and I cannot doubt that the triumphs of freedom thus far will be crowned by final victory in this grand struggle. The cost of our victory, in treasure and blood, and the length of the struggle, will depend much upon the madness or the wisdom which may dictate our policy; but I am sure that our country is not so far given over to the care of devils as to allow slavery

to come out of this contest with its life. To believe this, would be to take sides with "the fool" who "hath said in his heart there is no God."

The triumph of anti-slavery is sure. In the day of its weakness, it faced proscription, persecution, violence, and death, but it never deserted its flag. It was opposed by public opinion, by the press, the religious organizations of the country, and by great political parties, which it finally rent in twain and trampled under its feet. It is now the master of its own position, while its early heroes are taking their rank among the "noble of all ages." It has forced its way into the presidential chair, and rules in the Cabinet. It dictates the legislation of Congress, and speaks in the Courts of the Old World. It goes forth with our armies, and is every hour more and more imbuing the soldiers of the Republic with its spirit. Its course is onward, and while

"The politic statesman looks back with a sigh,
There is doubt in his heart, there is fear in his eye;"

and even those sly doughfaces and creeping things that still continue to hiss at "abolitionism," betray a tormenting apprehension that their day and generation are rapidly passing away. In the light of the past the future is made so plain that "he that runs may read." In the year 1850, when the slave power triumphed through the "final settlement" which was then attempted, I had the honor to hold a seat in this body; and I said, in a speech then delivered, that—

"The suppression of agitation in the non-slave holding States will not and can not follow the 'peace measures' recently adopted. The alleged death of the Wilmot proviso will only prove the death of those who have sought to kill it, while its advocates will be multiplied in every portion of the North. The covenant for the admission of additional slave States will be repudiated, while a renewed and constantly increasing agitation will spring up in behalf of the doctrine of 'no more slave states.' The outrage of surrendering free soil to Texan slavery can not fail to be followed by the same results, and just as naturally as fuel feeds the flame which consumes it. The passage of the fugitive slave bill will open a fresh wound in the North, and it will continue to bleed just as long as the law stands unrepented. The existence of slavery in the capitol of the Republic, upheld by the laws of Congress, must of itself keep alive an agitation which will be swelled with the continuance of the evil. Sir, these questions are no longer within the control of politicians. Party discipline, presidential nominations, and the spoils of office, can not stifle the free utterance of the people respecting the great struggle now going on in this country between the free spirit of the North and a domineering oligarchy in the South. Here, sir, lies the great question, and it must be met. Neither acts of Congress nor the devices of partisans can postpone or evade it. It will have itself answered. I am aware that it involves the bread and butter of whole hosts of politicians; and I do not marvel at their attempts to escape it, to smother it, to hide it from the eyes of the people, and to dam up the moral tide which is forcing it upon them. Neither do I marvel at their firing of guns and bacchanalian libations over the dead body of the Wilmot." Such labors and rejoicings are by no means unnatural, but they will be followed by disappointment. It is vain to expect to quiet agitation by continued concessions to an institu-

tion which is becoming every hour more and more a stigma to the nation, and which, instead of seeking new conquests and new life, should be preparing itself with grave clothes for a decent exit from the world; concessions revolting to the humanity, the conscientious convictions, the religion, and the patriotism of the free States."

Sir, I speak to-day in the spirit of these words uttered nearly twelve years ago, and verified by time. A small band of men in Congress braved public opinion, the ruling influences of the time, and every form of proscription, and intimidation, in standing by the cause which was overwhelmingly voted down. But although outvoted, it was not conquered. "It is in vain," says Carlyle, "to vote a false image true. Vote it, and re-vote it, by overwhelming majorities, by jubilant unanimities, the thing is *not so*; it is *otherwise* than so, and all Adam's posterity, voting upon it till doomsday, cannot change it."

The history of reform bears unfailing witness to this truth. The cause which bore the cross in 1850, wears the crown to-day. "No power can die that ever wrought for truth," while the political graves of recreant statesmen are eloquent with warnings against their mistakes. Where are those northern statesmen who betrayed liberty in 1820? They are already forgotten, or remembered only in their dishonor. Who now believes that any fresh laurels were won in 1850, by the great men who sought to gag the people of the free States, and lay the slab of silence on those truths which to-day write themselves down, along with the guilt of slavery, in the flames of civil war? Has any man in the whole history of American politics, however deeply rooted his reputation or god-like his gifts, been able to hold dalliance with slavery and live? I believe the spirit of liberty is the spirit of God, and if the giants of a past generation were not strong enough to wrestle with it, can the pigmies of the present? It has been beautifully said of Wilberforce, that "he ascended to the throne of God, with a million of broken shackles in his hands, as the evidence of a life well spent." History will take care of his memory; and when our own bleeding country shall again put on the robes of peace, and freedom shall have leave to gather up her jewels, she will not search for them among the political fossils who are now seeking to spare the rebels by pettifoggery their cause in the name of the Constitution, while the slave power is feeling for the nation's throat. No; God is not to be mocked. Justice is sure. The defenders of slavery and its despicable apologists will be nailed to the world's pillory, and the holiest shrines in the temple of American liberty will be reserved for those who shall most faithfully do battle against this rebellion, as a gigantic conspiracy against the rights of human nature and the brotherhood of our race.

SPEECH OF Hon. GEORGE W. JULIAN,

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 18TH, 1863.

The House having under consideration the bill to indemnify the President and other persons for suspending the privilege of the writ of *habeas corpus*, and acts committed in pursuance thereof—

Mr. JULIAN said:

Mr. SPEAKER: The line of argument I propose to pursue during the hour which belongs to me is general in its character, and will not specially refer to the measure now pending before the House. It will not, however, be found substantially irrelevant to the subject; and as I have already waited several weeks for the floor, and the widest latitude has thus far been allowed in this debate, I trust I shall be permitted to proceed without encountering any very strict construction of the rules of order provided for the government of this body.

In seeking to interpret the terrible conflict through which our country is passing, and to devise, if possible, a just and wise policy for the Government in its future action, the mind naturally reverts to the past. There is a sense in which it is well to let by-gones be by-gones, but we can never afford to dispense with the lessons of experience. By an eternal law, as unvarying in politics as in morals, to-day is made the child of yesterday and the parent of to-morrow—the past and the present linked together in the relation of cause and effect, and irrevocably woven into the future. It is true philosophy, therefore, to profit by our mistakes, to the extent of shunning their repetition, while causing the past to reappear where its deeds have been worthy.

The triumph of the Republican party in 1860 was the triumph of freedom over slavery. I do not say that all who supported Abraham Lincoln were abolitionists, or even anti-slavery men, or that all who opposed him were the advocates of slavery. This would be very far from the exact truth. What I affirm is, that hostility to slavery was the animating sentiment of the men whose deeply-rooted convictions and unquenchable zeal made the formation of the Republican party a necessity, and nerved it with all its real strength; while, on the other hand, the espousal of slavery was the grand and darling purpose of those whose shaping hand and inspiring ambition gave life and law to the Democratic organization.

I go further still. The contest of 1860 was not simply a struggle between slavery and freedom, but a struggle of life and death. Slavery, as a system of unskilled labor, *demands* the right of unrestricted extension over fresh soil as a condition of its life. This is a law of its nature, attested by the Seminole and Florida war, the seizure of Texas, the war with Mexico, the repeal of the Missouri restriction, the raid into Kansas, and by its entire history in this country. Confine it by impassable boundaries, and it will turn upon and devour its own life, and destroy both master and slave. Slaveholders understand this perfectly, and I do not marvel that their hostility was not assuaged in the smallest degree by the Republican dogma of non-interference with it in the States. They knew that the exclusion of it from all Federal territory would not only put the nation's brand upon it in the States which it scourges, and condemn it as a public enemy, but virtually sentence it to death. They believed, with our Republican fathers, that restriction means destruction. They knew that as the first dose of medicine given to a sick man forms a part of the whole process of cure, so the policy of limitation, as an incipient remedy for our great national malady, would be followed by other measures, moral, economical, and political, which would ultimately but surely expel it from the country. Hence they fought Republicanism with all the zeal and desperation which could be inspired by a great social and moneyed power, threatened with suffocation and death. They were simply obeying the law of self-preservation; and I think it due to frankness to confess that the charge of "abolitionism," which they incessantly hurled at the Republican party, was by no means totally wanting in essential truth. When they were vanquished in the election of Mr. Lincoln, their appeal from the ballot to the bullet, was the logical consequence of their insane devotion to slavery, and their conviction that nothing could save it but the ruin of the Republic.

Such was the issue decided by the people in the last Presidential canvass. It was the long-postponed battle between slavery and anti-slavery, fairly encountering each other at the ballot-box. It was a struggle between two intensely hostile ideas, wrestling for the final mastery of the Republic. Freedom, through

the Republican party as its instrument, triumphed over slavery, with both wings of the Democratic party as its servants and tools; for the distinction between Breckinridge Democracy and Douglas Democracy was purely metaphysical, and eluded, entirely, the plain common sense of honest men.

Now, sir, I hold that the people of the United States, who earned and fairly achieved this great victory, had a vested right to its fruits. They had a right to expect the domination of slavery over the national Government to cease. They had a right to demand that all its departments should be committed to the hands of those who believe in the grand idea on which the Administration ascended to power. And the intervention of the rebellion in no degree whatever released the Government from its duty in this respect. The rebellion did not refute, but confirmed, the truth of Republicanism. It was simply a final chapter in the history of the slave power, an advanced stage of slaveholding rapacity, naturally born of Democratic misrule; and instead of tempting us to cower before it and surrender our principles, furnished an overwhelming argument in favor of standing by them to the death.

I do not say that no man who had been identified with the Democratic party should have been appointed to office, but that no man who regarded with indifference the great principle which had triumphed in the canvass; no man, certainly, who was known to be hostile to that principle, should have been allowed to hold any Federal office, high or low, civil or military, at home or abroad. This was the duty of the Administration; for the simple reason that it could not decline it with fidelity to the people who had installed it in power. The Republican principle was as true after the election as during the canvass; as true in the midst of war as in seasons of peace; and just so far as we have lost sight of this truth, just so far have we strayed from the path of safety. Indeed, instead of putting our principles in abeyance when the storm of war came, we should have clung to them with a redoubled energy and a dedicated zeal. Instead of making terms with our vanquished opponents by conferring upon them office and power, we should have taught them that these were necessarily forfeited in our triumph. And we should have remembered that even our enemies would brand us as hypocrites and cowards, if the Administration should be less distinctively Republican in principle and policy than had been the party which created it.

Very nearly allied to the policy of conciliating our opponents, and thus building up their power, was the project of a Union party, encouraged by Republican politicians simultaneously with the beginning of this Administration. Such a movement, started soon after a heated political canvass involving the issue of slavery and anti-slavery, was utterly preposterous. The war grew out of the very question which had organized our parties

and marshalled them against each other in time of peace; and hence, instead of melting and fusing them into one, their lines of division would be brought out all the more palpably, and their antagonisms all the more intensified. It was incredible that pro-slavery Democracy, after having been so thoroughly drugged and surfeited with the heresies of southern rebels, should, in the twinkling of an eye, enter into cordial union with the men it had so long traduced. What is now palpable to all men, I thought obvious in the beginning: that a union of Republicans and Democrats, on the single question of putting down the rebellion, ignoring the real issue out of which it sprang, was simply a shallow expedient for dividing the spoils of office, at the cost of a practical surrender of the principles for which Republicans had so zealously contended. I do not say that the disruption of the Democratic party was by any means impossible. There was a vigorous loyal element pervading its rank and file, which its unprincipled leadership would have been powerless to control, if Republicans had stood firm. If we had been perfectly true to our own principles, bating no jot of zeal in their maintenance, and frowning upon any movement which sought to soften down or shade off the right-angled character of our anti-slavery policy; if we had bravely accepted the consequences of that policy, branding the rebellion as the child of slavery, and the Democratic party as the great nursing mother that had fed and pampered it into this bloody revolt against the Constitution; if, when the truth of our doctrines and the guilt of our opponents were written down in the fires of civil war, we had called upon all men to join hands with us in saving the country, the Democratic party would have heard its death knell in the guns of Fort Sumter, and instead of borrowing new life from the cowardice and decline of Republicanism, would have crawled to its guilty and dishonored grave. Only by persistent fidelity to our own principles could we hope either to break down the power of our foes or maintain a real Union movement. This we already had in the Republican party. If there is anywhere a Republican who is not a Union man I would be glad to know where he may be found. This accursed war is upon us to-day because the policy of the Government, under the rule of slave-breeding Democracy, has so long been drifting from the principles of our Republican fathers, as reaffirmed in the Philadelphia and Chicago platforms. The rebellion is a fulfilled prophecy of Thomas Jefferson, and of all the leading anti-slavery men of a later generation; and nothing, certainly, should have been further from our purpose than to rush with indecent haste into the embrace of unrepentant Democrats, when the very life of the nation had been brought into deadly peril by their systematic recreancy to the principles of real Democracy.

Sir, Democratic policy not only gave birth to the rebellion, but Democrats, and only

Democrats, are in arms against their country. Democrats fired on its flag at Fort Sumter. Jefferson Davis is a Democrat, and so is every God-forsaken rebel at his heels. A Democratic Administration was in power when the rebellion first lifted its head. A Democratic President, who could have nipped it in the bud, allowed our Navy to be sent to distant seas, our fortresses to be occupied, our arsenals and navy-yards to be seized, and our arms and munitions to be stolen. Democrats clutched the Treasury of the Government and robbed it of its Indian bonds. The distinguished thieves and cut-throats who are known as the leaders of the rebellion, such as Floyd, Thompson, Yancey, and Cobb, are all Democrats. Not only is it true that rebels are Democrats, but so are rebel sympathizers, whether in the North or the South. On the other hand, the Republican party, so far as I can learn, has not furnished a single recruit to the ranks of the rebellion. Loyalty and republicanism go hand in hand throughout the Union, as perfectly as treason and slavery.

In the light of these pregnant facts, Mr. Chairman, we find no occasion for a new party. What we should work and pray for is the success of our principles, and this can only be secured by steadfastness of purpose and associated political action. We need something of permanence in our movements, shunning that fickleness and instability that would form a new party, with a new name, for every campaign, and thus fritter away our strength in the fickleness of our schemes, instead of husbanding it for effective service. Republicanism is not like a garment, to be put on or laid aside for our own convenience, but an enduring principle, which can never be abandoned without faithlessness to the country. It is not a succession of "dissolving views," brought on to the political stage to amuse conservative gentlemen, or to dazzle and bewilder the people, but the fixed star which should guide us through the shifting phases of American politics and the bloody labyrinths of war. Sir, not even to save the Union, or to restore the blessings of peace, should we forsake its light. It is because we loved our principles more than peace that we are now in the midst of war. We demanded a Union under conditions that would make it the servant of liberty, and not the handmaid of slavery, and the rebellion is the result. Let us accept it; and when we are charged with producing it, let us reply that the charge, if true at all, is true in a sense which makes infamous the men who prefer it. In the sense in which the opponents of paganism caused martyrdoms in the early days of the Church; in the sense in which the enemies of the papal power in the time of Luther caused persecutions and death; in the sense in which Thomas Jefferson and the fathers caused the war of our Revolution, we, who are called Republicans, caused the rebellion, of which pro-slavery Democracy is pre-eminently guilty. If we had allowed slavery to take root in the soil of

Kansas, without resistance or protest; if we had permitted it, through the help of the Supreme Court, to fasten its fangs upon all our Territories, so that neither Congress, nor the people, nor any human power could remove it; if we had allowed it to go freely into the non-slaveholding States, and set up its habitation in defiance of State enactments; if we had consented to the revival of the African slave trade, and that our lips should be sealed against the right to talk about it, except to talk in its favor; if, in a word, the people of the free States had been willing to trample under their feet the institutions of their fathers, and to dedicate this continent to slaveholding and slave-breeding forever, then we might have peace to-day, and an unbroken Union. But our Democratic peace would have been the peace of the pit "stifling, suffocating, sultry"—a peace infinitely more dreadful than the war we have chosen to accept in the maintenance of our principles; and our Union would have been a confederacy of corsairs, devouring humanity, defying God, exalting the devil, and gladdening the heart of every absolutist and tyrant throughout the earth. Sir, I rejoice greatly that Republicans had the courage to throw themselves between their country and the eternal damnation to which Democratic policy was about to consign it; and that now, standing face to face with the dread realities of war, they are still resolved to stand together by the flagstaff of freedom. No step backwards is possible, nor was there any hope for the Republic so long as the Government and its advisers failed to realize this fact.

Mr. Chairman, I have indicated, in general terms, the mistakes of Republican policy since the beginning of the war. Many of our trusted leaders have lost their way, while the Administration itself has not been thoroughly Republican in its policy. Forgetting the mere negations of our creed, it should have planted itself bravely on its affirmations, pausing not a moment to apologize, or deprecate, or explain. The crisis called for absolute courage, and the time had gone by forever for any policy savoring, in the smallest degree, of timidity or hesitation. The disasters of this war, and the perils which now threaten the country, find their best explanation in the failure of the Government to stand by its friends, and its readiness to strengthen the hands of its foes. To a fearful extent Democratic ideas and Democratic policy have ruled this Republican Administration from the beginning. Democratic policy, very soon after the war began, speaking through our Republican Secretary of State, declared that "the Federal Government could not reduce the seceding States to obedience by conquest," and that "only an imperial or despotic Government could subjugate thoroughly disaffected and insurrectionary members of the State;" persuaded the nations of the earth that our struggle was not an "irrepressible conflict" between two forms of society, each of which was aiming at absolute dominion

over the country, but a mere domestic tumult which would subside in "sixty days," and that the institution of slavery, which the whole world now confesses to have been the cause of the war, would not be affected by it, but "remain subject to exactly the same laws and forms of administration, whether the revolution shall succeed or whether it shall fail." Democratic policy, pouring its cowardly counsels into the ear of the commander-in-chief of our armies, tempted him to write a letter to Secretary Seward, on the day before Mr. Lincoln's inauguration, in which he scouted the idea of subduing the rebel States by military power, favored the organization of a Union party and the abandonment of Republicanism, and recommended a pacification on the godless basis of the Crittenden resolves of January, 1861; or that we should say to our "wayward sisters, go in peace." Democratic policy made Gen. McClellan commander-in-chief, by falsely claiming for him the victories of our arms in Western Virginia, achieved by Rosecrans, Morris, and Benham, and by the indorsement of General Scott, who, as the country has since learned, did not believe in the war which the Government had inaugurated. Democratic policy, through General Patterson as its representative, detained a large army in the valley of Winchester, which should have marched against General Johnston and his inferior force, instead of allowing him to join Beauregard at Bull Run, thus securing the defeat and rout of our army, instead of decisive victory, which, else, would have crowned our arms. Democratic policy, through the authority of General McClellan, kept the Potomac blockaded during the fall and winter of 1861 and 1862; and when the Navy Department insisted, as it did repeatedly, on putting an end to the blockade, which it could have done at any moment, our Democratic general objected that "it would bring on a general engagement;" and thus was the honor of the nation compromised, and millions sacrificed through its interrupted commerce, without cause or excuse. Democratic policy, personified by General McClellan and General Stone, sent Colonel Baker and his gallant men across the Potomac against a superior force, with one scow and two small boats as the only means of transportation; and after the crossing had commenced, twenty-four thousand men under General Smith and General McCall, who were within striking distance, and expected by Colonel Baker to join him, were ordered to retreat by General McClellan; while fifteen hundred of our men at Edward's Ferry, only three and a half miles from the battle field, who could have reinforced Colonel Baker and turned the fortunes of the day, were compelled to stand idle while the gallant hero and his men were butchered without mercy. During the autumn and winter months which followed, Democratic policy made the grand army of the Potomac squat before the wooden guns of Centreville and Manassas; and although our forces were

many times larger than those of the rebels, and our men in fine health and discipline, and eager to fight, while during these successive months we were favored with solid roads and clear frosty days and nights, yet neither the persuasions of the President nor the clamors of the people could induce General McClellan to move; nor did any member of the Cabinet, nor the President himself, nor any general in his army, know his plans, or why our forces did not advance. Democratic policy, refusing to allow our armies to go into winter quarters or to march upon the enemy, kept them strictly on the defensive throughout the Union, till the President in the latter part of January of last year gave the order *forward*, resulting in the victories of Fort Henry, Fort Donelson, and Newbern, which so electrified the country. The army of the Potomac was required to march on the 22d of February, but Democratic policy held it inactive till the 16th of March, when General McClellan, in obedience to a peremptory order of the President, took up the line of march toward Centreville, after having first learned that the rebels had retired toward the Rappahannock. This pink and beau-ideal of Democratic policy, instead of pushing at once towards Richmond, which he could have done by railroad by way of Aquia Creek and Fredericksburg, or by the Manassas and Gordonsville road, marched his army back to Alexandria, where hundreds perished or received the cause of their death, in the open fields and woods in sight of their tents, during the cold, drenching rains, to which they were exposed for many days prior to their embarkation for Fortress Monroe. Democratic policy, still ruling the country through General McClellan, planned the ill-fated campaign on the Peninsula; and although he had insisted, while himself near the capital, that the whole army of the Potomac was necessary for its defence, yet on leaving, under positive orders that this city should be amply defended, he seems to have considered fifteen thousand raw and undisciplined troops, the refuse of the army, sufficient for its protection; all of the army in and around Washington, except this meagre force, having been ordered by him to proceed at once to the Peninsula. Democratic policy compelled the army of the Potomac to sit down before Yorktown till a small army had grown to be a large one, and then permitted it to evacuate at its leisure. General Hooker, with his advance force, followed; but Democratic policy, refusing him to be reinforced, held thirty thousand men within sound of the battle, by which our forces were repulsed and the escape of the enemy secured. When our army at length reached the Chickahominy, Democratic policy founded the kingdom of pickaxes and spades, and sent thousands of our soldiers to their graves, because the employment of able-bodied negroes in ditching would be offensive to Democratic gentility, and might endanger "the Union as it was." When Gen. McClellan, by order of Gen. Halleck, left the James river, and

reached Alexandria in time to save General Pope at the second battle of Bull Run; Democratic policy, forgetting the country, allowed him to be sacrificed. Democratic policy, sitting its deadly poison into the mind of the President, again placed General McClellan in command of the army of the Potomac, and reinstated, at his request, the generals whose failures had caused Pope's defeat; and the "strategy" which followed left the way open for the withdrawal of Gen. Lee, and delayed the march of our forces till Harper's Ferry had fallen into the hands of the enemy. Democratic policy, at the battle of Antietam, kept at least forty thousand of our men in reserve, and thus converted a magnificent victory, most temptingly brought within our grasp, into at best a drawn battle. Democratic policy, which cost us more than fifty thousand soldiers on the Peninsula, systematically misled the public by compelling the newspaper correspondents within our lines to suppress facts and utter falsehoods, in order to glorify General McClellan, shield him from popular disapprobation, and perpetuate his command. Democratic policy at this moment clamors for his restoration, and every man who blames the Republicans for bringing on this war, and who declares, as Gen. McClellan did at its beginning, that the South is right; every man who believes in wearing out the patience of the country by military failures, so that the rebels may be restored to power through some infernal compromise; every man who despises the policy which would win victories, or follow them up when won; every man who was as much of a traitor as he had the courage to be in the beginning of this struggle, and has all the time wished the rebels a hearty God-speed; every man who has done his best to discourage enlistments, embarrass the action of the Government, and render the war odious to the people; every man who raises the cry of peace, and talks about new guarantees to pacify the felons who have sought the nation's life; every man who loves negro slavery better than he loves his country, and would sooner see the Republic in ruins than the slaves set free, is the zealous advocate and unflinching champion of General McClellan.

Mr. Chairman, Democratic policy proves itself the ally of treason by hugging the cause which produces it. It clings to slavery as a dying man clings to life. It condemns its prohibition in our Territories, and its abolition in this District. In the midst of a terrible struggle of the nation for self-preservation, requiring the use of all the weapons known to the laws of war, it demands the repeal of our confiscation laws, and denounces the President's proclamation giving freedom to the slaves of rebels. With equal zeal it opposes the gradual "abolishment of slavery," with the consent of loyal masters, and compensation allowed them. Democratic policy clamors for peace with rebels in arms, on the basis of the Crittenden compromise, rejected by them two years ago, and which, if accept-

ed, would completely surrender the liberties of the people to the slaveholding vandals of the South. Democratic policy has played into the hands of rebels by refusing the help of negroes into our armies, as laborers, teamsters, cooks, nurses, scouts, and soldiers, thus necessarily weakening our military power, and sacrificing the lives of our men. Democratic policy has sought the office of slave-bound for rebels ever since the beginning of the war, and is still, occasionally, exercising its functions in defiance of positive prohibitions. Democratic policy, taking the form of "Order No. 3," under which, for more than a year, loyal colored men were driven from our camps, and their proffered aid and information rejected, earned the gratitude of every rebel throughout the Union, and the curses of every loyal man. Democratic policy despises an abolitionist far more heartily than a traitor; the term abolitionist, according to a leading Democratic organ, signifying "any man who does not love slavery for its own sake, as a divine institution; who does not worship it as the corner-stone of civil liberty; who does not adore it as the only possible social condition on which a permanent republican government can be erected; and who does not, in his inmost soul, desire to see it extended and perpetuated over the whole earth, as a means of human reformation, second in dignity, importance, and sacredness, to the religion of Christ." Democratic policy, by thus perpetually deferring to slavery as a sacred thing, and to slaveholders as a superior order of men, has smothered that feeling of resentment in our armies which else would have been evoked, and the lack of which, according to our commanders, is one of the serious obstacles to our success. Democratic policy in the year 1861 gave us as commanders of our three great military departments, McClellan, Halleck, and Buell, whose military administrations have so terribly cursed the country; while it imposed upon our volunteer forces in the field, such officers as Fitz John Porter, General Nelson, General Stone, and very many more whose sympathies with the rebels were well known throughout the country.

Mr. WADSWORTH. I desire to make an inquiry of the gentleman. I thought I understood him to say that General Nelson's sympathy with the rebels was well known. I wish to know if he alludes to General Wm. Nelson, deceased.

Mr. JULIAN. I allude to that gentleman.

Mr. WADSWORTH. I was born and reared with him, served with him in the intimate relations against the rebels, and knew him from his youth up to the time of his death; and I say that there was not a more determined opponent of the rebels and of secession in America. The language of the gentleman is untrue. The stain attempted to be cast upon the memory of General Nelson is undeserved and unfounded. Such language as that is outrageous. I have heard the speech, entirely out of order upon this bill, with

patience, but I cannot allow the memory of Wm. Nelson to be slandered in this way.

Mr. JULIAN. In reply to the remarks of the gentleman from Kentucky, (Mr. WADSWORTH,) I have only to say that what I said is true. I did not say that General Nelson was a rebel. I said he was well understood to be in sympathy with the rebels, and this understanding, so far as I have any means of knowledge, is universal among the soldiers of Indiana and Ohio who have served under him in the field in Kentucky and elsewhere. While I do not say that he was a rebel, I say that, like some other distinguished gentlemen from Kentucky, he was a rebel sympathizer, loving slavery more than he loved his country. That I desire to say in the most emphatic words I know how to employ.

The gentleman from Kentucky did not charge me with an intentional misrepresentation, as I understood him. If he makes that charge I shall deal with it. I understand we simply differ as a matter of fact.

Mr. WADSWORTH. I did not intend to charge the gentleman with any intentional misrepresentation touching the sentiments of General Nelson, unless he makes himself responsible for it. I did not know but that he was making a statement, in which he confided, derived from others. My purpose was to denounce the statement which the gentleman brings in here. I do not care who makes the statement, he is a slanderer of the gallant dead.

Mr. JULIAN. I decline to yield to the gentleman further. The gentleman denounces my assertion—

Mr. WADSWORTH. I denounce it as a slander.

Mr. JULIAN. And I denounce the gentleman's denunciation, and his defence of a rebel sympathizer.

Mr. Speaker, Democratic policy, speaking through officers high in command in the army of the Potomac, now more than a year ago, threatened to march upon the capital and disperse Congress as Cromwell did the Parliament, because a joint committee of both Houses of Congress was inquiring into the conduct of the war. Democratic policy, when General Fremont proclaimed freedom to the slaves of rebels in Missouri, inundated the Executive Mansion with falsehoods, which had their coining in pro-slavery malice and disappointed ambition; and a Republican President, yielding to a torrent which he thought resistless, removed him from his command; and although the policy of this proclamation has since been accepted by the Government, and the charges on which he was hounded down are known to be false, yet Democratic policy still deprives the country of his service, because he is a Republican, and an unbeliever in the supreme divinity of slavery. Democratic policy holds in its hands all the great machinery of this war, and directs it according to his own will. Our present commander-in-chief is a Democrat, whose future management of the war, if we

are to judge from his past career, promises nothing for the country. Of the major and brigadier generals in our armies, Democratic policy has favored this Republican Administration, if I am not mistaken, with over four-fifths—certainly an overwhelming majority; while those great hives of military patronage, the Adjutant General's Department, the Quartermaster's Department, the Commissary Department, the Ordnance Department, and the Pay Department, are all under Democratic control, and have been during the war. Several of the heads of these departments held their positions under James Buchanan; while Democratic policy likewise controls the chief bureaus in the Navy Department. Democratic policy has not only studiously thrown into the background Republican generals, whose hearts are in the war, and put in the lead political generals of its own type, but has pursued the same policy toward Democratic generals who have evinced a change of views on the question of slavery. Mitchell and Hunter are cases in point, while Curtis is almost the only Republican general who has been allowed to hold an independent command in a war in which, according to the best attainable data, more than three-fourths of the soldiers of the Union are Republicans. To an alarming extent Democratic policy has ruled in the Post Office, War, Treasury, and Interior Departments, in which, after very many long-delayed but greatly needed removals, effected chiefly through Congressional intervention, there are still hundreds of Democratic clerks, of whom many are known to be rebels in heart, and some of them the appointees and pets of Davis, Floyd, and Thompson. What is equally remarkable, is the fact that the higher and more lucrative grades of these positions are nearly all given to Democrats; while Democratic policy, adhering to its ancient custom, under this Republican Administration, bestows upon the District of Columbia, and such States as Maryland and Virginia, a share of these places in monstrous disproportion to that of the free States of the North and West. I can not go further into details; but the fruits of this Democratic policy are seen in great military disasters; in the wasted energies and fading hopes of the people; in reactionary movements in the free States; in threatened intervention from abroad, and in impending national ruin; and without a speedy change in our policy, no power but that of God, through miraculous intervention, can save our country.

Mr. Chairman, the time has come when every true man in the Union should demand, in the name of the country, that Democratic policy shall rule it no longer. When the nation is grasping for breath because the honored leaders of Republicanism have been infidel to its principles, plainness of speech is a duty, and silence a crime. As a freeman, and the Representative of freemen, it is at once my right and my duty to utter what I

believe to be vital truth. I deeply regret the necessity which impels me to criticise the policy of the Administration. I honor the President as the chief magistrate of the Republic, and love him as a man. I have received at his hands nothing but personal kindness and political respect. I stand ready to make any earthly sacrifice to sustain him in this direful conflict with the rebel power of the country, North and South. "Faithful are the reproofs of a friend," and it is as his friend, seeking to rescue the land from political perdition, and not as a disguised rebel, seeking to undermine his Administration, that I speak. I tell him that his policy of conciliating Democrats has been as ruinous to our cause as the kindred policy of conciliating rebels. Instead of winning them to our side, blotting out the lines of party, and inaugurating an "era of good feeling," it has breathed fresh life and vigor into the Democratic organization, which now everywhere confronts us as a powerful and consolidated opposition, while our own party is disbanded and powerless. Sir, had the policy of the Government been boldly Republican, making good to the people their victory over the cohorts of slavery in 1860, every northern State would to-day have been wheeled into line on the side of the Administration, and the Democratic party would have been lingering on its death-bed. The war itself, I firmly believe, would have been ended, and with far less sacrifice of treasure and blood than we have already incurred. I speak respectfully, but earnestly, when I say the President must stand by his friends, if he expects his friends to stand by him. He must point the door to every pampered pro-slavery rat in any of his public cribs, and bestow the offices and honors at his disposal upon those who believe in the Republican idea. He should institute, as speedily as possible, a general casting out of devils from the various Departments of the Government, and fill their places with men who believe in God, and who have not outlived their consciences in serving as the shameless scullions of the slave power. By all means, and at the earliest moment, should he insist upon a lustration of the military Department, to purify it from the deadly contamination of treason. This is a slaveholders' rebellion. The rebellion, in fact, is "slavery in arms," and therefore no man who believes in slavery is fit for any high command. The war is not a war of sections, but of ideas; and we need and must have military leaders who will conduct it in the light of this truth. To the want of such leaders must be attributed the delays and disasters of the struggle thus far. General Sigel says:

"It is an enormous crime to expose our devoted soldiers to the fury of a united, determined, and vigorous enemy, on account of any hesitancy to use the right means at the right time, or by placing men in high and responsible positions who, on account of their former associations and pledges, can never be trusted as sincere friends of the Republic, nor expected to strike a fatal blow at treason and rebellion."

Sir, we must have commanders who will fight, not simply as the stipendiaries of the

Government, but as men whose whole hearts are in the work, and who believe, religiously, in the rights of man.

"It is the heart, and not the brain,
That to the highest doth attain."

I believe you may search the history of the world in vain for such armies as we now have in the field. Their heroism upon every battlefield, often under incompetent commanders, and always under the most appalling disadvantages, must be the theme of everlasting praise. They have seemed to understand this quarrel from the beginning. They have fought as only men could fight who counted their lives as nothing in comparison with the life of the Republic, and the imperiled cause of liberty on earth. The battle of Fredericksburg, where thousands marched into the jaws of certain death without the wavering of a hair, affords but a single example of the spirit which has so ungrudgingly offered up so many heroic lives during the war. Sir, I honor our patriot soldiers as I honor no man, titled or untitled, who walks the earth. Their example, looming above the general profligacy and faithlessness of mere politicians, has already made humanity sublime, and anchored the final triumph of our cause to the very throne of the Eternal. In their name do I speak when I plead that they shall be allowed to fight our battles under competent and worthy leaders, whose souls are on fire with a quenchless zeal for our cause. In our war with Mexico, as I am advised, no man was allowed to hold the office of major general of volunteers, or brigadier general, who was not a member of the Democratic party. I believe this policy was extensively carried out also as to the subordinate places in our Army, at least nine-tenths of which were conferred upon the party in power. General Scott and General Taylor were Whigs, but they held their positions before the war, and during its progress had to encounter a fierce and formidable opposition from the Administration and its friends. I am not finding fault with this policy, which I refer to as simply showing that the Government, at that time, dispensed its favors among its friends, and intrusted the command of our armies to men who *believed in the war*. This the Government should do to-day. This is a war of freedom and free labor against a mighty aristocracy based upon the ownership of men. Our aim is the overthrow of that power, and the reorganization of southern society on a republican basis; and it should require no argument to prove that men who believe in this aristocracy are not the most fit commanders in such a contest. On this subject history is not wanting in lessons to guide us. As early as the year 1388 the cities of Germany, which had formed four leagues in self-defence against the aristocracy that lived only by its plunder of commerce, were engaged in deadly conflict for their rights. They made two mistakes, which paved the way for their ruin. They lost the sympathy of the peasantry, because they fought only for the privileges of the

cities; and they appointed nobles to command their armies who cared more for their property in the cities than for the rights of the people. These nobles counselled "moderation," and one of them proved a traitor on the field of battle. Afterwards, city after city fell into the hands of the aristocracy, and the people became the prey of a swarm of petty monarchs, who annihilated the external power of the country, which groans under their oppression to this day. The same principle was illustrated in our revolutionary war by the State of South Carolina, which swarmed with royalists and Tories, who, like the rebels now in arms against us, loved slavery more than they loved their country. It is not possible to put down one privileged class through the leadership of another, unless their interests are antagonistical.

Mr. Chairman, the fatal consequence of losing sight of the principle I am now urging has been seen in the recall of General Fremont from his command of the Western department. In the year 1856, his name had been conspicuously identified with the great political conflict which finally culminated in a conflict of arms. He was known to the country less as a politician than as a patriot, and a man of genius and dauntless courage; and there was a romance about his life and name which kindled the popular enthusiasm in his behalf to a very remarkable degree. He entered upon his command at the end of July with less than twenty-five thousand effective men, poorly armed and equipped; and of these ten thousand were three months' men, whose time expired in ten days from his arrival. At the end of October he held sixty thousand square miles of the enemy's country, and had succeeded in organizing and equipping an army which was everywhere successful along the whole extent of his lines. He had restored quiet and comparative peace to the State of Missouri, while the enemy was in full retreat before him. Believing the revolutionary measures of the rebels could only be put down by revolutionary energy, and that all moderation in dealing with them was the expedient of weak men or of traitors, he impressed his strong will and earnest purpose upon every feature of his administration. He saw then, what the President has finally discovered and told us in his last message, that "the dogmas of the quiet past are inadequate to the stormy present;" that "as our case is new, so we must think anew and act anew;" and that "we must disenthrall ourselves, and then we shall save our country." I believe no commander in the public service has thus far shown more military genius, or been more successful, considering the circumstances of his command; and it should be remembered to his credit that the victories of our arms in the West, early in last year, were achieved upon the exact lines of march which he planned and published in September of the preceding year. When he issued his proclamation of freedom the military enthusiasm

of the people was unchilled. With gladness and thanksgiving they received it as a new sign of promise. Even such Democratic papers as the Boston Post, Detroit Free Press, Chicago Times, and New York Herald, approved of it, while it stirred and united the people of the loyal States during the ten days of life allotted it by the Government, far more than any other event of this war. The President, in an evil hour, annulled it; and the boiled-down malice and meanness which it provoked, and which were poured out so copiously through Adjutant General Thomas, finally effected the intended change in the command of this department. From this conduct of the Government towards General Fremont dates the pro-slavery reaction which we now witness. Beginning then, it has gained force and volume every hour since. It balked the popular enthusiasm which else would have drawn along with it even multitudes of conservative men. It caused timid and halting spirits to become cowards outright. It gave new life to the slave power, and encouraged fiercer assaults upon "abolitionism." The Democratic party, which the war had pretty effectually driven into retirement, began to assume its former prerogatives, and manifest its sympathy for treason. Sir, I can never think of the woes and sorrows with which this war has deluged our country within the past twelve months, without deploring the malign influence which led the Administration to strike down a Republican major general in the midst of a glorious career, and in defiance of the sentiment of the people, while Democratic generals, who were lauded by every rebel sympathizer throughout the country, and whose incapacity or disloyalty could not have been unknown to the Government, have been persistently kept at the head of our great military departments.

Mr. Chairman, while the past is beyond our control, its lesson for the future should not go unheeded. The Government can not "escape history"; but it can atone, in some degree, for the great wrong it has done the country and General Fremont, by restoring him, without further delay, to active service, with a command befitting his rank and merits. Every consideration of justice and patriotism pleads for this. He has been the victim of the most cruel injustice and the most unmerited and mortifying humiliation. The President knows this. The military conduct of General Fremont will bear the most rigid scrutiny, while his character is without a stain. The policy of his proclamation has been vindicated by time, and more than vindicated by the Administration itself. Let this policy be committed to the hands of its undoubted friends. The restoration of General Fremont would at once signalize the earnestness and sense of justice of the President, and win back to him the confidence of the people. It would be a conspicuous milestone in the progress of the Government, and most fitly follow the grand message which proclaimed freedom to millions on the first day of the new year. In the

name of the country let it be done; and let restitution be made to every other officer in our armies who has been the victim of Democratic policy. The Government, which at first sought to spare slavery, now seeks to destroy it. At last it has a policy; and I hold that no man is fit to lead our armies, or to hold any civil position, who does not sustain that policy. Our only hope lies in a vigorous prosecution of the war and the overthrow of Democratic rule. I care little for mere names. For such generals as Rosecrans, Butler, Bayard, Rousseau, Wallace, Dumont, and Corcoran, and such civilians as Stanton, Bancroft, Owen, and Dickinson, I have only words of praise. They are heartily for their country, and as heartily despise the Democratic leaders who gabble about compromise with rebels. The recognized leaders of the Democratic party, judged by their avowed policy, are disloyal in spirit and purpose. They talk about the "Constitution as it is," while conniving at its destruction by rebels, and offering them peace on the basis of a reconstructed Government and another Constitution. They clamor for "the Union as it was," and mean by this the Union more completely than ever under the domination of slavery. I know what I hazard by this freedom of speech. I know that should Democratic policy continue to sway this Administration, still further disasters may overtake our arms. I know that the people may finally reel and sicken under the prolonged spectacle of blood and treasure poured out in vain; and that the restoration of the Democratic party to power may be the result, followed by a compromise inaugurating a "reign of terror" in the free States far more relentless than that which prevailed in the South prior to the war. Demagogues, pointing the people to the desolation and ruin of the country caused by a profitless "abolition war," and stimulated by southern leaders hungering and thirsting for revenge, may usher in an era of lawlessness and blood scarcely paralleled in history. The leaders of Republicanism, whose counsels, if followed, would have saved the country, may be confronted by dungeons, gibbets, and exile, under the new policy which the slave power, maddened by success, would dictate.

Sir, it is because of the remorseless despotism which Democratic policy would certainly establish that I denounce it, and plead with the President to smite it with all the power of the Government, if he would save either his country or himself. The Republic of our

fathers at this moment swings in horrid alternation between life and death. To falter or hesitate now is self-destruction. Rosewater statesmanship will not meet the crisis. Nothing can save us but the earnestness which finds its reflex in the rebels, and the courage which gathers strength from despair. A wise policy of the war is not enough. Proclamations of freedom will, of themselves, accomplish little. What we need is action, instant, decisive, defiant action, scourging faithless men from power, sweeping away obstacles, and kindling in the popular heart the fires of a new courage and hope. The Government should arm the colored men of the free States as well as the slaves of the South, and thereby give effect to the proclamation of freedom. It should at once organize a bureau of emancipation, to take charge of the great interests devolved upon it by the extinction of slavery. While paying a fair assessment for the slaves of loyal owners, it should digest an equitable homestead policy, parceling out the plantations of rebels in small farms for the enjoyment of the freedmen, who have earned their right to the soil by generations of oppression, instead of selling it in large tracts to speculators, and thus laying the foundation of a system of land monopoly in the South scarcely less to be deplored than slavery itself. It should seize all property belonging to traitors, and use it in defraying the expenses of the war. It should, as far as possible, send all disloyal persons beyond our lines. It should see to it that corrupt army contractors are shot. It should deal with rebels as having no rights under the Constitution, or by the laws of war, but the right to die. It should make war its special occupation and study, using every weapon in its terrible armory in blasting, forever, the organized diabolism which now employs all the enginery of hell in its work of national murder, and threatens to make our country the grave of liberty on earth. Such an earnestness, thus born of the unutterable guilt of the rebels and the peril of great and priceless interests, and sustained by a firm faith in the justice of our cause and the smiles of our Maker, would speedily restore our country to the glad embrace of peace, and reassure its promise of free government to the victims of despotic power throughout the world. Our liberties would be saved from present destruction, and new pulsations of life would be sent down through all the coming generations of men.

SPEECH OF Hon. GEORGE W. JULIAN,

IN THE HOUSE OF REPRESENTATIVES, MARCH 18, 1864.

The House having under consideration the bill reported from the Committee on Public Lands amendatory of the homestead law, together with the amendments thereto,

Mr. JULIAN said:

Mr. SPEAKER: During the past month I prepared and reported from the Committee on Public Lands a bill to provide homesteads for persons in the military and naval service of the United States, on the forfeited and confiscated lands of rebels. The bill was re-committed and printed; and my purpose was to discuss its provisions under the general call of committees for reports, which will bring the subject directly before the House for its action. I find, however, in the crowded state of our business, that this would delay my purpose indefinitely; and I have therefore concluded to avail myself of the opportunity now offered to submit what I have to say.

The measure referred to will be considered a novel one, but it should not therefore be regarded with surprise or disfavor. Our country is in a novel condition. The civil war in which we are engaged is one of the grandest novelties the world has ever seen. We are every day brought face to face with new questions, and compelled to accept the new duties which lie in our path. Whoever comprehends this crisis, and is willing to assume its burdens, must keep step to the march of events, and turn his back upon the past.

The bill I have reported, however, is less a novelty in its principles than in their application to new and unlooked for conditions. It involves, among other things, the policy of free homesteads to actual settlers; and since this policy is now seriously menaced, I may be allowed to refer briefly to the subject, by way of preface to what I shall have to say on the special matter before us.

Our homestead law was approved May the 20th, 1862. Its enactment was a long delayed, but magnificent triumph of freedom and free labor over the slave power. While that power ruled the Government, its success was impossible. By recognizing the dignity of labor and the equal rights of the million, it threatened the very life of the oligarchy which had so long stood in its way. The slaveholders understood this perfectly; and

hence they resisted it, reinforced by their northern allies, with all the zeal and desperation with which they resisted "abolitionism" itself. Its final success is among the blessed compensations of the bloody conflict in which we are plunged. This policy takes for granted the notorious fact that our public lands have practically ceased to be a source of revenue. It recognizes the evils of land monopoly on the public domain, as well as in the old States, and looks to its settlement and improvement as the true aim and highest good of the Republic. It disowns, as iniquitous, the principle which would tax our landless poor men a dollar and a quarter per acre for the privilege of cultivating the earth; for the privilege of making it a subject of taxation, a source of national revenue, and a home for themselves and their little ones. It assumes, to use the words of General Jackson, that "the wealth and strength of a country are its population," and that "the best part of that population are the cultivators of the soil." This bold and heroic statesman urged this policy thirty-two years ago; and had it then been adopted, coupled with adequate guards against the greed of speculators, millions of landless men who have since gone down to their graves in the weary conflict with poverty and hardship, would have been cheered and blest with independent homes on the public domain. Wealth incalculable, quarried from the mountains and wrung from the forests and prairies of the West, would have poured into the federal coffers. The question of slavery in our national territories would have found a peaceful solution in the steady advance and sure empire of free labor, whilst slavery in its strongholds, girdled by free institutions, might have been content to die a natural death, instead of ending its godless career in an infernal leap at the nation's throat.

The homestead act did not go into effect till the first of January, 1863. Within four months from that date, notwithstanding the troubled state of the country, more than a million of acres were taken up under its provisions; and at the close of the year ending September the 30th, this amount was increased to nearly a million and a half. Peace will soon revisit the land and resurrect the nation to a new life. The energy and activity of the people, now directed to the business

of war, will be dedicated afresh to industrial pursuits. Many thousands in the loyal States who will have caught the spirit of travel and adventure, and far greater multitudes in the old world who will be tempted to our shores, will lay hold of the homestead law as their glad refuge and sure help. It will be the day-star of hope to millions beyond the sea, as it is now the fond child of the millions of our own people who march under the old flag of our fathers. Should it stand for ten years to come, its blessings will outstrip the most sanguine anticipations of its friends. Its overthrow, I have said, is threatened; and this is done by indirection, as well as open assault. Since the date of its passage, Congress has granted nearly seven millions of acres for the benefit of agricultural colleges, and about twenty millions to aid in the construction of railroads. There are now pending before Congress, bills making other grants for railroads amounting to nearly seventy millions of acres. We have a project before us which grants nearly seven millions of acres for the education of the children of soldiers; another granting two hundred thousand acres in the State of Michigan for the establishment of female colleges, which of course would be extended to the other States; and another granting ten millions of acres for the establishment of Normal schools for young ladies. Every day witnesses the birth of new projects, by which our public lands may be frittered away and the beneficent policy of the homestead law mutilated and destroyed. And, simultaneously with the development of this backward movement, and as if to aid it, speculators are hovering over the public domain, picking and culling large tracts of the best lands, and thus cheating the government out of their productive wealth, and the poor man out of the home, which else might be his at the end of the war. Whilst the homestead policy is thus invaded by gradual approaches, and indirect attack, its overthrow is boldly demanded as a financial necessity. A veteran public journalist, and one of the foremost party leaders of our time, proposes to go back from the Christian dispensation of free homes and actual settlement to the Jewish darkness of land speculators and public plunder. He wants money to pay our immense national debt, and seeks to obtain it by levying on the lands which the nation has already dedicated by law to occupancy and cultivation as the sure means of revenue. What we want and the Government needs is immigration. This is demonstrated by the report of Hon. Samuel B. Ruggles, to the International Congress which met at Berlin in last September. He takes the eight food-producing States of Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, and Missouri, and shows that between the years 1850 and 1860, their population increased 3,554,995, of whom a very large proportion were emigrants from the old States and from Europe. He shows that this influx of population increased the quantity of improved land in these States, within the same

period, 25,146,054 acres; that the cereal products of these States increased 248,210,028 bushels; that their swine increased 2,503,224; their cattle 2,831,098. He further shows that within the same period, the assessed value of real and personal estate of these States was augmented \$2,810,000,000. These to a great extent are the direct results of immigration; and in the light of these facts the interest and duty of the Government are palpable. By all honorable and reasonable means it should tempt Europe to send her people to our shores. From 1850 to 1860 the immigration averaged, annually, 270,762, giving a total of 5,062,414. Within the next ten years, should the homestead policy continue, the number of immigrants will probably far transcend all precedent, while increasing multitudes from our older States will join in the grand procession towards the West. If Thurlow Weed wishes to use the public domain in paying our national debt, here is the process. It is simply to give heed to the divine injunction to "multiply and replenish the earth." It is to give homes to the millions who need them, and at the same time coin their labor into national wealth by marrying it to the virgin soil which woos the cultivator. It is to compel the earth to yield up her fruits, so that commerce may transmute them into silver and gold. Thus only can we solve the problem of our finances, so far as the public lands are concerned. The project of paying a debt of three thousand millions of dollars, or even the interest on it, by the sale of these lands, is sublimely ridiculous; whilst the proposition to repeal the homestead law is a proposition to encourage speculation, to plunder the Government, to betray the just rights of millions by violating the plighted faith of the nation, to hinder the march of civilization, and to weaken the force of our example as a Republic, asserting equal rights and equal laws as the basis of its policy.

But I pass from this topic. I have adverted to it, partly because I desired to sound the alarm of danger in the ears of the people, and thus avert its approach, and partly because the considerations I have presented bear directly upon the measure now before the House.

Mr. Speaker, this rebellion has frequently, and very justly, been styled a slave-holders' rebellion. It is likewise a land-holders' rebellion, for the chief owners of slaves have been the chief owners of land. Probably three-fourths, if not five-sixths of the lands in the rebel States at the beginning of the war belonged to the slave-holders, who constituted only about one-fiftieth part of the whole population of those States; whilst of the entire landed estate of the three hundred and fifty thousand slave-holders of the South, at least two-thirds belonged to less than one-third of their number. I make my calculations from our census tables, and such other information as I find within my reach. The bill I have reported, therefore, contemplates no general seizure and confiscation of the property of the

people in the insurrectionary districts. It looks to no sweeping measures against the rights of the masses, but simply to the breaking up and distribution of vast monopolies, which have made the few the virtual owners of the multitude, whether white or black. It is a bill to restore the people to their inalienable rights, by chastising the traitors who conspired against the government. It proposes to vest in the United States the lands which may be forfeited by confiscation in punishment of treason, or of other crimes under municipal laws; by confiscation as a right of war, by military seizure, or by process *in rem*; and by sales of non-payment of taxes. The quantity of real estate which shall thus pass from the hands of rebels cannot now be definitely determined, but in seeking to estimate it we should bear in mind one important consideration. The war which the rebels are waging against us is no longer a mere insurrection. It is not a grand national riot, but a civil, territorial war between them and the United States. Having taken their stand outside of the Constitution, and rested their cause on the naked ground of lawless might, they have, of necessity, no constitutional rights. For them the Constitution has ceased to exist. They are belligerents, enemies of the United States. They still owe allegiance to the government, and are still traitors, but they are at the same time public enemies, who have simply the rights of war and are to be dealt with according to the laws of war. The rights of war and the rights of peace cannot co-exist in the hands of rebels. One party to a contract cannot violate it, and yet hold the other bound; and hence the Constitution has nothing whatever to do with our treatment of the rebels, unless we shall see fit voluntarily to waive the rights of war, and deal with them as citizens merely. I am not now uttering my own opinion, but the solemn judgment of the Nation itself, speaking authoritatively through the highest court in the Union. According to the decision of that court, a civil war between the United States and the rebels has been carried on for more than two years and a half. In the celebrated prize cases decided last spring, and reported in 2 Black's Reports, p. 635, Judge Grier says: "the parties to a civil war are in the same predicament as two nations who engage in a contest, and have recourse to arms;" that "a civil war exists and may be prosecuted, on the same footing as if those opposing the government were foreign invaders, whenever the regular course of justice is interrupted by revolt, rebellion, or insurrection, so that the courts cannot be kept open;" and that "the present civil war between the United States and the so-called Confederate States has such a character and magnitude as to give the United States the same rights and powers which they might exercise in the case of a national or foreign war." Such, Mr. Speaker, is the law as to the relations existing between the rebels and the United States. I am not arguing the point, because all argument is

closed by this decision. The rebels are belligerents, and when they shall be effectually vanquished, they will have simply the rights of a conquered people under the law of nations, that is to say, such rights as we shall choose to grant them, according to the laws of war, untrammelled by the Constitution of the United States.

In the light of this settled principle, Mr. Speaker, I judge of the extent of rebel territory which must fall under our control. The war will increase in intensity and fierceness to the end. The exasperation of the rebels will naturally keep pace with our successes. Our war policy, which has been steadily growing more and more earnest and radical for the past two years, will not again become a "war on peace principles." The amnesty proclamation may reach the case of many, but should it reach even all who are not expressly excepted by its terms, there will still be an immense territory falling under our power. Sir, whether we have willed it or not, this is now a war of *subjugation*, and the law of nations must govern the parties and the settlement of the dispute. We shall not be confined to the penal enactments of Congress on the subject of treason, which require an indictment, a regular trial, and a conviction. The condemnation of rebel property need not depend upon the prosecution of its owner through a grand jury, who may be wholly or in part secessionists, nor upon his conviction by a petit jury of like character, nor upon the finding of a bill within any statute of limitations. Resting our case on the law of nations and the laws of war, we are not compelled to seek the land of the rebel through a trial which must be had in a country in which the offence was committed, and in which both court and jury may be in sympathy with the accused. The several penal acts of Congress on these subjects, and the ordinary safeguards of law applicable to the rights of citizens in a time of peace are not in our way. The war powers of the government, as asserted and defined in the 5th, 6th, 7th, and 8th sections of the confiscation act of July 17, 1862, point to a remedy as sweeping as it is just; namely, the military seizure, condemnation, and sale of the real estate of traitors and their abettors. A considerable quantity of land, it is true, may pass from the rebels by judicial proceedings against them for treason, and other crimes under municipal statutes. I know, too, that millions of acres must be forfeited by the non-payment of taxes. But, independent of these sources of title, and by virtue of military seizure and condemnation alone, a very large proportion of the lands within the insurrectionary districts, must vest in the government of the United States.

If it be said that the government has no right to confiscate the fee simple of rebel States, I meet it with a direct denial. In what I have said, I have taken this right for granted. I have never doubted it for a moment, and I shall not now argue the question. The honest refusal of the President, in last

June, to allow Congress to touch the fee of rebels in arms against the nation, was the saddest and grandest mistake of his life. That the right to do so was disputed and debated in the last Congress, as it has been extensively in this, by some of our wisest statesmen and greatest lawyers, will hereafter be set down among the political curiosities of this century. Our fathers were not fools, but wise men, who armed the nation with the power to crush its foes, as well as to protect its friends. "The Constitution was made for the people, not the people for the Constitution." It was not designed as a shield in the hands of traitors, but as the sword in the hands of the government to smite them to the earth. It recognizes the law of nations and the laws of war; nor was it possible for our country to escape them. The builders of our national ship did not so fashion and rig her that she could sail only in calm weather and over smooth seas, but they qualified her to ride out the fiercest tempest in safety, and to defy all pirates. That the nation, in this struggle for its life against red-handed traitors and assassins, has no power to confiscate their lands, is a proposition which gives comfort to every rebel sympathizer in the country, while it insults both loyalty and common sense. The people know better, and on this question, their voice must be heeded. They do not believe, but they *know* that the lands of rebels are subject to our power under the laws of war, as well as their personal property, their negroes, or their lives. The government, in the course of this struggle, has learned many lessons. Others are yet to be mastered. Having learned how to strike at slavery as the wicked cause of the war, and to arm the negroes in the national defence, it must now lay hold of the lands of rebels. I believe our triumph over them is not so near at hand as we generally suppose. The most terrific fighting of the war is yet to come. They do not dream of surrender, or compromise, on any conceivable terms. They will resist us, to the end, with a spirit as remorseless as death, and as bitter as the ashes of hell. They must be overcome and crushed by the powers of war, and we must employ, with all the might which can be kindled by the crisis, every weapon known to the law of nations. Congress must repeal the joint resolution of last year which protects the fee of rebel land-holders. The President, as I am well advised, now stands ready to join us in such action. Should we fail to do this, the courts must so interpret the joint resolution as to make its repeal needless. Should both Congress and the courts stand in the way of the nation's life, then "the red lightning of the people's wrath," must consume the recreant men who refuse to execute the popular will. Our country, united and free, must be saved, at whatever hazard or cost; and nothing, not even the Constitution, must be allowed to hold back the uplifted arm of the government, in blasting the power of the rebels for ever.

I come, then, Mr. Speaker, to the practical

question involved in this bill. This conflict is to be ended by hard, desperate, and perhaps protracted fighting. We shall certainly win; and our triumph will inevitably divest the little to a vast body of land in the rebel States, and place it under our control. I think it entirely safe to conclude that it will constitute more than half, and probably three-fourths, of all the cultivated lands in the rebellious districts. It will certainly, in any event, cover millions of acres. It will include all lands against which proceedings *in rem* shall be instituted, under the provisions of the act to suppress insurrections, and punish treason and rebellion, approved July 17, 1862; all lands which may be sold under the provisions of the act for the collection of direct taxes in insurrectionary districts, approved June 5th, 1862; and all lands which may be sold under the provisions of the act to provide internal revenue to support the Government, approved July 1st of the same year.

What shall be done with these immense estates, brought within our power by the acts of rebels? One of two policies, radically antagonistic, must be accepted. They must be allowed to fall into the hands of speculators, and become the basis of new and frightful monopolies, or they must be placed under the jurisdiction of the Government, in trust for the people. The alternative is now presented, and presses upon us for a speedy decision. Under the laws of Congress now in force, unchecked by counter legislation, these lands will be purchased and monopolized by men who care far more for their own mercenary gains than for the real progress and glory of our country. Instead of being parcelled out into small homesteads, to be tilled by their own independent owners, they will be bought in large tracts, and thus not only deprive the great mass of landless laborers of the opportunity of acquiring homes, but place them at the mercy of the lords of the soil. The old order of things will be swept away, but a new order, scarcely less to be deplored, will succeed. In place of the slaveholding land-owner of the South, lording it over hundreds of slaves and thousands of acres, we shall have the grasping monopolist of the North, whose dominion over the freedmen and poor whites will be more galling than slavery itself, which in some degree tempers its despotism through the interest of the tyrant in the health and welfare of his victims. The maxim of the slaveholder that "capital should own labor," will be as frightfully exemplified under the system of wages-slavery, the child of land monopoly, as under the system of chattel slavery, which has so long scourged the southern States. What we should demand is a policy that will guarantee homes to the loyal millions who need them, and thus guard their most precious rights and interests against the remorseless exactions of capital, and the pitiless rapacity of avarice. The helpless condition of the poor of the rebel States, when capitalists shall have monopolized the land, is already foreshadowed in the recent report of

Mr. Yeatman, of the Western Sanitary Commission. He says:

"The poor negroes are everywhere greatly oppressed at their condition. They all testify that if they were only paid their little wages as they earn them, so that they could purchase clothing, and furnished with the provisions promised, they could stand it; but to work and get poorly paid, poorly fed, and not doctored when sick, is more than they can endure. Among the thousands whom I questioned none showed the least unwillingness to work. If they could only be paid fair wages they would be contented and happy. They do not realize that they are free men. They say that they are told they are, but then they are taken and hired out to men who treat them, so far as providing for them is concerned, far worse than their 'secesh' masters did. Besides this, they feel that their pay or hire is lower now than it was when the 'secesh' used to hire them.

"The parties leasing plantations, and employing these negroes, do it for no motives, either of loyalty or humanity. The desire of gain alone prompts them, and they care little whether they make it out of the blood of those they employ, or from the soil. There are, of course, exceptions; but I am informed that the majority of the lessees were only adventurers, camp followers, 'army sharks,' as they are termed, who have turned aside from what they consider their legitimate prey, the poor soldier, to gather the riches of the land which his prowess has laid open to them. I feel that the fathers and brothers and friends of these brave men should have an opportunity to reap, under a more equitable system for the labor, the reward of the months of toil and exposure it has cost to open this country to the institutions of freedom and compensated labor. If these plantations were required to be subdivided into parcels or tracts, to suit the views and means of our western men, say in farms of from one to two hundred acres, thousands would soon flock to the South to lease them, especially when it was known that one acre of ground there cultivated in cotton would yield, in dollars, ten times as much as at home. Besides, this subdivision would attract a *bond* population, who would protect the country against any guerrilla bands that might molest it."

Mr. Speaker, the poor whites of the South will be as powerless to take care of themselves as the freedmen, unless the Government shall arm them against their masters. "Subdivision" of the land, as Mr. Yeatman says, would also secure a loyal population, since every man who has a home to love and to defend will naturally love his country. This rebellion will present the strongest temptations to land monopoly that were ever offered to the greed of avarice and power. The rich lands of the South have been cursed by this evil from the beginning, and without the interposition of Congress the *system* will be continued, and vitalized anew by falling into fresh hands. The degraded and thriftless condition of the people, the heritage of centuries of bondage, will pave the way for land monopoly in more grievous forms than have yet been recorded in *ancient* or modern times. Society can not possibly be organized on a Republican basis, because a grinding aristocracy, resting upon large landed estates, will convert the mass of the people into mere drudges and dependants. African slavery may not exist in name, but the few will practically control the fortunes of the many, irrespective of color or race. In such communities public improvements will necessarily languish. Wasteful and slovenly farming will stamp upon the country the impress of dilapidation, while reducing the productiveness of the soil, and hindering the growth of manufactures and commerce. In

the midst of large landed estates, towns and villages can neither be multiplied nor enjoy a healthy growth. The want of diversity of pursuits and competition in business, will paralyze the energies of the people. The education of the masses will be impossible, since the establishment and support of schools within convenient reach of the people can not be secured. The proprietors of the great estates, as has been well remarked, will be feudal lords, while the poor will have no feudal rights. Under the tendency of a false system, society will steadily gravitate towards the example of South America and Mexico, where some estates are larger than two or three of the smaller States of our Union. The country will find its likeness in England, in which the smaller landholders are daily being swallowed up by the larger.

"In the civilized world," says Dr. Channing, "there are few sadder spectacles than the present contrast in Great Britain of unbounded wealth and luxury, with the starvation of thousands and tens of thousands, crowded into cellars and dens, without ventilation or light, compared with which the wigwag of the Indian is a palace. Misery, famine, brutal degradation, in the neighborhood and presence of stately mansions, which ring with gaiety, and dazzle with pomp and unbecoming profusion, shock us as do no other wretchedness."

Sir, the sympathy of the British aristocracy for the rebels is altogether natural. Land monopoly is slavery. The great English landlord looks upon the large slaveholders of the South as "brothers beloved," while the "sand-hillers" and "clay-eaters" of Carolina and Georgia are perhaps not more miserably degraded by unjust laws than the English agricultural laborer. Mr. Bancroft, describing the condition of Italy some two thousand years ago, says:

"The aristocracy owned the soil and its cultivators. The vast capacity for accumulation which the laws of society secure to capital in a greater degree than to personal exertion, displays itself nowhere so clearly as in slaveholding States, where the laboring class is but a portion of the capital of the opulent. As wealth consists chiefly in land and slaves, the rates of interest are, from universally operative causes, always comparatively high; the difficulty of advancing with borrowed capital proportionally great. The small landholder finds himself unable to compete with those who are possessed of whole cohorts of bondmen; his slaves, his lands, rapidly pass, in consequence of his debts, into the hands of the more opulent. The large plantations are continually swallowing up the smaller ones; and land and slaves come to be engrossed by a few."

This is not only an exact description of slavery as we have seen it in the southern States, but a parallel in principle to the system of aristocracy in England, founded on the monopoly of the soil. Travelers through that country speak of it as "thinly settled." Outside of the cities and towns this is true. Even the commons, on which the poor used to pasture their cattle and enjoy their games, are now enclosed by legalized land robbers. Those who demand a correction of these evils, in the name of justice and the people, are denounced as "Agrarians," just as the enemies of slavery in this country are branded as "Abolitionists." The slaveholding land monopolists of this country are to-day repay-

ing the bitter fruits of their unrighteous domination. A retribution to the aristocracy of England, not less terrible, is as certain to come as that pampered injustice finds no limits to its demands.

But I need not dwell longer upon the evils of land monopoly. The history of civilization furnishes an unbroken testimony to these evils, and thus pleads with us, in the organization of new civil communities, to fortify ourselves against them. A grand opportunity now presents itself for recognizing the principles of radical democracy in the establishment of new and regenerated States. We are summoned by every consideration of patriotism, humanity, and republicanism to lay the foundations of empire upon the enduring basis of justice and equal rights. No revolutionary or destructive measures are required on our part. We are already in the midst of revolution and chaos. Through no fault of our own, the foundations of social and political order in the rebel States are subverted, and the elimination of a great disturbing element opens up our pathway to the establishment of free Christian commonwealths on the ruins of the past. These States constitute one of the fairest portions of the globe. They are larger in area than all the free States of the North. They have a sea and gulf coast of more than six thousand miles in extent, and are drained by more than fifty navigable rivers, which are never closed to navigation by the rigor of the climate. They have at least as rich a soil as the States of the North, yielding great wealth-producing staples peculiar to them, and two or three crops in the year. They have a finer climate, and their agricultural, manufacturing, and commercial advantages are decidedly superior. Their geographical position is better, as respects the great commercial centres of the world. The institution of slavery, which has so long cursed these regions by excluding emigration, degrading labor, and impoverishing the soil, will very soon be expelled. The cry which already comes up from these lands is for free laborers. If we offer them free homesteads, and protect their rights, they will come. John Bright, in a recent speech at Birmingham, estimates that within the past year 150,000 people have sailed from England to New York. Let it be settled that slavery is dead, and that the estates of traitors in the South can be had under the provisions of the homestead law, and foreign emigration will be quadrupled, if not augmented tenfold. Millions in the old world, hungering and thirsting after the righteousness of free institutions, will flock to the sunny South, and mingle there with the swarms of our own people in pursuit of new homes under kinder skies. Immigration has not slackened, even during this war, and in determining the direction it will take, it must be remembered that settlements have very nearly reached their limits in the North and West. Kansas and Nebraska are border States, and **not so**

continue. Their storms, and draughts, and desert plains give a pretty distinct hint that the emigrant must seek his Eldorado in latitudes further south. In the new North-western States the richest lands have been purchased, and vast portions of them locked up by speculators. Their distance from the great markets for their produce, and their severe winters, will also check emigration in that direction, and incline it further south, if lands can be procured there with tolerable facility. The rebel States not only abound in cheap and fertile land, with cheap labor in the persons of the freedmen to assist in its cultivation, but they possess great mineral resources. They have also extensive lines of railroads, which, in connection with their great rivers, bring almost every portion of their territory into communication with the sea.

Mr. Speaker, nothing can atone for the woes and sorrows of this war but the thorough reorganization of society in these revolted States. Now is the time to begin this work. We must not only cut up slavery, root and branch, but we must see to it that these teeming regions shall be studded over with small farms and tilled by free men. We must remember that "the best way to help the poor is to enable them to help themselves." We must guard the equal rights of the people as a religious duty, for "Christianity is the root of all democracy, the highest fact in the rights of man." Labor must be rendered honorable and gainful, by securing to the laborer the fruits of his toil. Instead of the spirit of Caste and the law of Hate, which have so long blasted these regions, we must build up homogeneous communities, in which the interest of each will be recognized as the interest of all. Instead of an overshadowing aristocracy, founded on the monopoly of the soil, and its dominion over the poor, we must have no order of nobility but that of the laboring masses of the country, who fight its battles in war, and constitute its glory and its strength in peace. Instead of large estates, widely scattered settlements, wasteful agriculture, popular ignorance, political and social degradation, the decay of literature, the decline of manufactures and the arts, contempt for honest labor, and a pampered aristocracy, we must have small farms, closely associated communities, thrifty tillage, free schools, social independence, a healthy literature, flourishing manufactures and mechanic arts, respect for honest labor, and equality of political rights. These ends, to a great extent, are provided for by the bill I have introduced, and no measure of more vital interest to the people has ever been submitted to the Congress of the United States. I voted for the bill which has passed this House, providing for a Bureau of Emancipation, but I must regard this measure as a far better "freedman's bill" than that of my honorable friend from Massachusetts, for it provides for the emancipation of all races, and the freedom of labor itself. These regions, blighted by treason, must be cared for

or abandoned, by the general Government. The heaven-daring conspiracy of rebels in arms has placed them, or will place them, at our feet. Shall we hand them over to the speculator, in the hope of thereby securing a revenue to pay our national debt? I have shown that the true source of revenue is the cultivation of the soil. The future of these rebellious States, involving the well-being of millions for generations to come, is now committed to our hands. We can re-enact over them the political and social damnation of the past, or predestinate them to the blessedness and glory of a grand and ever-unfolding future. We can build up a magnificent constellation of free commonwealths, whose territory can support a population of more than one hundred millions, on the basis of free labor and a just distribution of land among the people; or we can again organize society after the pattern of Europe, and thus spare the hideous cancer, which, in the words of Chateaubriand, "has gnawed social order since the beginning of the world." Can we hesitate, in dealing with so fearful an alternative? Shall we mock the Almighty by sporting with the heaven-permitted privilege now placed before us? Shall we heap curses on our children, when blessings are within our grasp? Sir, let us prove ourselves worthy of our day and of our work. Let us rise to the full height of our sublime opportunity, and thus make ourselves, under Providence, the creators of a new dispensation of liberty and peace. Then, in the eloquent language of Solicitor Whiting, "the hills and valleys of the South, purified and purged of all the guilt of the past, clothed with a new and richer verdure, will lift up their voices in thanksgiving to the Author of all good, who has granted to them, amidst the agonies of civil war, a new birth and a glorious transfiguration. Then, the people of the North and the people of the South, will again become *one people*, united in interests, in pursuits, in intelligence, in religion, and in patriotic devotion to our common country."

As regards the particular provisions of the bill before us, I need not occupy much of the time of this House. It has been printed, and gentlemen have had the opportunity of examining it for themselves. It has been prepared with much care, and with the assistance of some of the best lawyers in the Union. The first and second sections of the bill provide the methods by which the title of rebel land owners shall vest in the United States under the acts of Congress now in force on the subject of confiscation and revenue. I shall not discuss the *power* of the Government thus to acquire the title to this land, for it can not be controverted without overturning all the legislation of the last Congress on the subject of confiscation, internal revenue, and the collection of taxes in insurrectionary districts. I have, in fact, already argued the question of power, in what I have said of our relations to the rebels as belligerents.

The third section provides for the survey of the lands in question as nearly as may be in forty acre lots. This is deemed necessary from the fact that in several of the insurrectionary districts the old system of irregular surveys exists, and not the present or rectangular system. The section also provides for the appointment of necessary officers and their compensation, and contemplates the application and use of the machinery of the General Land Office within such districts.

The fourth section gives a homestead of eighty acres to all soldiers who shall have served in the army or navy two years, and forty acres to all persons who shall have aided in the military service against the rebels for any period of time, either as soldiers or laborers. It also extends the provisions of the homestead act of 1862 over these lands, and thus avoids any new and cumbersome regulations, and exacts a continuous residence of five years to consummate the title.

The fifth section provides that after keeping the lands open for homesteads for five years, those remaining vacant shall be sold at public sale. It prohibits the sacrifice of them by fixing a minimum price, which they must bring. It also requires the purchaser to comply with the pre-emption act of 1841, prior to his receiving a patent, thus demanding a residence on the land and precluding an accumulation of it in the hands of speculators. These safeguards look to the benefit of the mass, and not the interests of a few, even after homesteads have been selected. This section also provides that proof of loyalty shall be made by all persons claiming rights under the bill.

The sixth section, as will be seen, requires no comment. The seventh requires persons selecting improved lands to pay for whatever may be found of value on them, after an appraisalment by persons regularly appointed for the purpose, and to pay the costs created by the proceeding. The effect will be that the expenses created by the act will be paid into the Treasury of the United States, and may exceed the expenditures which will be connected with its operations.

The eighth section establishes an obviously just if not a necessary rule of construction as to persons of color, giving them equal rights with white men, and extends the inchoate rights of a settler to his heirs, or widow, who may complete payments and make proof.

The ninth section places the execution of the act in the Department of the Interior, or that more immediately connected with the land system; and the last section repeals all laws inconsistent with the provisions of this act. I will only add, that the act has nothing to do with real estate in towns, cities, and villages, which will, of course, continue to be sold as heretofore.

These, Mr. Speaker, are the material provisions of the bill. They embody principles which I have endeavored to vindicate, by argument and by fact. If I am right, then every moment of delay is a golden oppor-

tunity wasted forever. Under the present policy of the government every passing day bears witness to the transfer of thousands of acres of forfeited lands to speculators. According to Judge Underwood, more than two hundred millions of dollars worth of property in the State of Virginia, chiefly real estate, should be confiscated by the Government. Thousands of acres are now being sold in the vicinity of this city. In September last, the President of the United States issued instructions to the Tax Commissioners of South Carolina, providing for the sale of 40,845 acres, of which 24,316 acres were to be sold to the highest bidder, in tracts of 320 acres. The remainder was to be sold to the heads of African families, for such sums, not less than one dollar and twenty-five cents per acre, as the Government should see fit to demand. These sales are portions of a lot of 76,775 acres offered on the 9th of last March, when 16,479 acres were sold to speculators; making an aggregate of 40,795 acres, which will have been sold in large tracts, leaving for the negro only 16,479 acres which he may *buy*, if he can raise the money to pay the price fixed by the Government. Such transactions as these, in Port Royal, where so much has been hoped for the freedman, are most significant. If any people have a divine right to these tropical lands, they are the slaves who have bought them, over and over, by their sweat and toil and blood, through centuries of oppression. Degraded and imbruted by servitude, mere children in knowledge and self-help, we require them to compete for their homesteads with the sharpened faculties of the white speculator, schooled in avarice by generations of money getting; who believes the almighty dollar is the only

living and true God, and would "run into the mouth of hell after a bale of cotton." Sir, our Government is false to its trust, infidel to its mission, if it shall lend its high sanction to such wanton injustice and wrong. Had I the power I would give a free home on the forfeited land of rebels to every bondman in the insurrectionary districts. Let the Government at least give him an equal chance with our own race, in the settlement and enjoyment of his native land. Less than this would be a mockery of justice and an insult both to decency and humanity. He is excluded from the Northern States and territories by their uncongenial climate, by his attachments to his birth place, and by Anglo-Saxon domination and enterprise. Let the Government which has so long connived at his oppression now make sure to him a free homestead on the land of his oppressor. Let us deal justly with the African, and thereby lay claim to justice for ourselves. Let us remember, in the language of our patriotic Chief Magistrate, that "*We cannot escape history. We of this Congress, and of this administration, will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation. In giving freedom to the slave, we assure freedom to the free; honorable alike in what we give and what we preserve. We shall nobly save, or meanly lose, the last best hope of earth. Other means may succeed; this could not fail. The way is plain, peaceful, generous, just—a way which, if followed, the world will forever applaud, and God must forever bless.*"

SPEECH OF

Hon. GEORGE W. JULIAN,

IN THE HOUSE OF REPRESENTATIVES, MAY 12TH, 1864.

The House having under consideration the bill to secure to persons in the military or naval service of the United States homesteads on confiscated or forfeited estates in insurrectionary districts, and for other purposes—

MR. JULIAN said:

MR. SPEAKER: I propose this morning, after briefly referring to some of the objections which have been urged against this bill, to call for a final vote upon it. I discussed its principles and policy several weeks ago in a somewhat carefully prepared speech. Other gentlemen have since resumed the argument; and believing the House now prepared to vote upon the proposition, I do not wish to hinder other important legislation by needlessly prolonging the debate. If there is any besetting sin which can fairly be charged to this Congress it is a redundancy of talk.

The gentleman from New York [Mr. Fernando Wood] objects to this measure because, as he asserts, it assumes that the Union is never by any possibility to be restored. He thinks it recognizes and aims at the destruction of the Union, and says he never will do anything to hinder its restoration.

Sir, I do not understand the force of the gentleman's objection. I do not see how the confiscation of the lands of rebels in arms against the Government, or the sale of abandoned estates for the non-payment of taxes by the villains who have forced the Government to levy them, can in any degree harm the integrity of this Union. On the contrary, if the Union is to be saved at all, the best practicable mode of doing it is to lay hold of these confiscated lands and these abandoned estates and make such disposition of them as is proposed by this bill.

MR. FERNANDO WOOD. I am very sure the gentleman from Indiana would not intentionally represent me as saying what I did not say. I said the bill was an obstruction to the restoration of the Union. That was one of the objections I made to it.

MR. JULIAN. I accept the gentleman's qualification, but I do not see how it relieves him. I wish he had explained in his speech on yesterday how the passage of this bill could in any way *obstruct* the restoration of the Union. On the contrary, I think it would do more to cement and perpetuate the Union than any legislative measure that could possibly be devised. Here, for instance, are lands belonging to Toombs of Georgia, a conspicuous rebel. He owns as I understand, some forty thousand acres of rich land in the State of Texas; enough to furnish an independent homestead of one hundred acres each to four hundred soldiers of this war. How will it militate against the restoration of

the Union to parcel out these lands in free homesteads to the soldiers and sailors now fighting for the life of the Republic? Can the gentleman tell?

Let me state another fact. Mr. Thompson, one of the Cabinet ministers of Jimmy Buchanan, owns lands which are said to be worth \$1,000,000, bought by him at from ten to eighty cents an acre. I do not comprehend how the confiscation of these estates and their distribution among our soldiersean endanger the Union; how it can do otherwise than subserve the ends of justice, order, liberty, and peace in the revolted States. These are the pledges, not the perils, of a real Union.

Here is another conspicuous rebel, Robert W. Johnson, of the State of Arkansas, holding an estate perhaps equally as large; and I believe Davis, Floyd, Wigfall, Slidell, Cobb, and in fact all the rebel chiefs have largely monopolized the lands of the South, while owning and directing the labor of the people, black and white.

This bill proposes to parcel out all these estates among the soldiers and seamen of this war, and the gentleman from New York says it will obstruct the restoration of the Union?

MR. SPEAKER, let me submit to the gentleman from New York a few other facts. Under the legislation of Congress in the old days of slave-breeding Democracy, when old Jimmy Buchanan was its king, and such men as the gentleman from New York were its anointed high priests, grants were made to the States of Alabama, Florida, Louisiana, Mississippi and Arkansas, under the name of "swamp lands," amounting to more than thirty million acres, and which are to-day the very richest lands in America. These lands were chiefly bought up afterwards by the men who are now conspicuous rebels, and many of them traitors in arms against us.

The gentleman from New York argues that if we seize these lands and parcel them out among our soldiers it will hinder the restoration of the Union. Sir, I am utterly at a loss to know how this can be true. I apprehend, however, that when he talks about restoring the Union he means one thing, and I mean exactly the opposite. He means the Union as it was when the slave power ruled the country like a throned monarch, and when Davis, Floyd, Thompson, and their confederate cut throats and pirates were in the cabinet, in Congress, representing us at the courts of the Old World, and ruling the Government according to their own free will.

MR. KALBFLEISCH. I would ask the gentleman whether he means James Buchanan when he talks of "old Jimmy Buchanan?"

MR. JULIAN. I think the gentleman can guess my meaning pretty shrewdly if he will remember

ber that I grouped him with Floyd and Thompson, his distinguished Cabinet ministers, and brothers beloved in the work of undermining the Union. I called him "old Jimmy Buchanan" familiarly, not dreaming that it would offend any loyal man on this floor.

I was about to say, Mr. Speaker, when interrupted, that if the gentleman from New York demands the restoration of the Union as it was when the Democratic party, in the evil days of the past, ruled the Government absolutely in the interest of slavery, and when the nation was steadily gravitating under the accumulating weight of its guilt toward the bottomless pit of national ruin, then I am not for the Union as it was, but as it will be when this rebellion shall have wrought out its providential lesson in these States, and scourged the slave-breeding Democracy forever from our land. I am for a Union of regenerated States, resting upon the basis of free labor and the rights of man, and disowning, as an atrocious libel upon humanity and republicanism, the dogma which demands that slavery shall be the corner-stone of the Government, as these rebels and their sympathizers have labored so long to make it.

Mr. Speaker, the gentleman from New York says that it would be 'unconstitutional' to pass this bill. I am again at a loss to know what the gentleman means by his argument. If it be unconstitutional to pass this bill, then all the legislation of Congress since this rebellion began is unconstitutional and void. Our tax laws and revenue laws, enacted during the past three years, are all unconstitutional, including the tax bill which recently passed this House. If this bill is unconstitutional, then our grand armies that have from time to time been raised by authority of the Government were unconstitutionally raised, equipped, and employed. Every gun and every cannon fired in the national defense has been unconstitutionally leveled at the rebels. The war itself is an unconstitutional war, the President and Congress are guilty of usurpation and treason, and the most loyal men in the country are such as the convicted felon who once held a seat on this floor from the State of Ohio, and is now in exile, and the still more "unworthy" gentleman from Maryland, [Mr. Harris,] who prays God to-day that the armies of the Union may never prevail over the organized thugs and assassins whose daggers are aimed at the nation's heart. According to this philosophy the Constitution itself is clearly unconstitutional, and there is no sure guide left us save the new gospel of peace as expounded by the distinguished gentleman from New York.

Sir, I do not exactly accept these Democratic revelations, and I say again that if this bill, which we propose to vote upon to-day, is unconstitutional, then all the endeavors of this Government to put down the rebellion are unconstitutional, the gentlemen on the other side of the House are on the loyal side, we who support the Government are the enemies of the country, and as the remedy for all our troubles, the administration should be utterly overthrown and George B. McClellan chosen President. Our heaven should be slavery, and the devil should be our God. Mr. Speaker, I respectfully decline the espousal of this unsavory Democratic faith.

But the gentleman from New York says he suspected, when this bill was introduced, that there was a "nigger" in it, and that upon investigation he has found him. He refers to the Nebraska bill, of which Colonel Benton said it had a stump speech in its belly, and says that this

bill has a "little nigger" in its belly. The contemptuous spirit and characteristic language of the gentleman from New York would commend him to the kindly consideration of the hero of the Fort Pillow butcheries, or the ringleaders of the late pro-slavery mob in New York. General Forrest in his recent exploits, only displayed a larger measure of the same unchristian and unmanly hatred of "the nigger," which the gentleman from New York exhibits on this floor as a leader of the "peace Democracy!" Is it strange that the rebels of the South should defy humanity in their treatment of the negroes? But, Mr. Speaker, why is the gentleman unwilling that negro soldiers shall have a homestead on their native soil? They have enlisted in the service of their country; they are sharing all the perils and hardships of war; they are helping by their valor to achieve our victories and save the nation from impending destruction; they are to-day covering themselves with glory under General Grant, in driving back General Lee and his legions. The country now pays them the same wages as our white soldiers. Why would the gentleman from New York refuse to grant them, at the end of the war, a home on the land of their oppressors, who have enslaved their race for more than two hundred years, and at last sought both their lives and the life of the Republic?

Mr. MALLORY. I wish, with the permission of the gentleman from Indiana, in connection with the remark he has just made, to inquire of him, if he will be kind enough to answer, whether it is not one of the provisions of this bill that the negro soldier may go and settle alongside of the white soldiers upon these confiscated lands in the rebel States, and other lands which may come into possession of the General Government? If that be so, then I wish to ask the gentleman whether he does not intend this as one of a series of acts by which he desires to work out the entire equality, social and political, of the negro with the white man in this country?

I desire also, in addition, before the gentleman replies to that question, to ask him whether he does not himself believe that if the negro is employed as a soldier in the Army under the policy inaugurated by this Government to maintain its liberties, as he says—I say whether he does not himself believe it to be wrong and unjust for the black soldier who served his country on the battle-field to be denied social and political equality with the white soldier? I desire to know the opinion of the gentleman particularly as representing the peculiar portion of the party on that side of the House with which he acts.

Mr. JULIAN. I take pleasure in answering the gentleman, but when he speaks of the "peculiar portion" of the party with which I act I do not know what he means.

Mr. MALLORY. I suppose the gentleman will allow us to be as familiar with his party as he assumes to be with the Democratic party when he speaks of "Jimmy Buchanan." The gentleman of course understands his position on that side of the House.

Mr. JULIAN. I trust the gentleman will find when the vote comes to be taken on this bill that I am identified with no "peculiar party" on this side of the House which separates me from the great body of the unconditional Union men in this Hall or throughout the country. I rather think the gentleman is right in his remark that I understand my political position.

In answer to the question of the gentleman

from Kentucky I have to say that I mean by this bill precisely what the bill says in its plain English words. I mean that when this war is over the black soldier, as well as the white soldier shall have a homestead of forty or eighty acres, as the bill provides, upon the lands of these rebels which shall be confiscated or otherwise come into the possession of the Government. I mean, in other words, that they shall have equality of rights as to the ownership of the soil in these insurrectionary States.

As to the question of social equality, I believe the negro will work out that problem for himself under the new dispensation which the military and legislative power of the Government are now inaugurating. I do not propose to enter into any nice speculations upon this subject, but I have no opinion to conceal. I believe in doing justice to the negro, in guarding his rights, and in giving him fair play in fighting his own battle, leaving his social position to be determined by his own conduct, and the conditions of life in which he may be placed. For one I have no fear whatever of African domination. I trust the gentleman from Kentucky is not seriously alarmed. I must say, however, that I hope no rebels or rebel sympathizers will ever have any superiority of rights over the negro soldiers who have aided in crushing the rebellion. Should African domination take its turn, I trust it will find its true subjects.

Mr. MALLORY. As the gentleman from Indiana is very candid and distinct in his utterances and the expression of his opinions, I do not think he will object if I endeavor to understand exactly where he stands on this question before this colloquy is ended. I distinctly ask the gentleman whether he does not contemplate by the bill before the House, by which he proposes to put negroes alongside of white men upon these confiscated lands, to establish a perfect equality of the negro with the white man; in other words whether he does not advocate that the negro shall vote and hold office, and be fully the white man's equal? I understand the gentleman to acknowledge that to be true. I understand him in his answer to avow that he is willing that politically the negro and white man shall be equal, but that as to social equality that was a matter which the negro would settle for himself as soon as the shackles of bondage were removed. I understand that to be the answer of the gentleman from Indiana. If not, I hope the gentleman will be explicit.

Mr. JULIAN. I think I have answered the gentleman fully. I will say in reference to the right of the negro to vote—

Mr. MALLORY. And hold office.

Mr. JULIAN. I will say that under the Constitution of our Government, which I hope to see preserved, as does the gentleman from Kentucky—the right of suffrage in the States is to be determined by the States themselves. When these revolted regions shall be regenerated and dotted over with free homesteads, tilled by the labor of freemen, and when these negroes have been converted from chattels into men, with a common right to the soil and stake in society, then the legislative bodies of these reprobated States will probably deal with the question of suffrage on just principles. I think they will not decline the logical consequences of radical democracy. But I shall be for leaving that matter to them, as it is now left to Massachusetts and Kentucky. If they shall see fit to recognize the right of the negro to cast his ballot; if the right of voting is conferred upon all without discrimination as to color or race, I can only say that I would not pronounce it an unwise policy.

But I would submit that question to the States themselves. I believe the States of North Carolina and Tennessee once allowed negroes to vote; and the gentleman will remember that not very many years ago two very prominent public men of those States, Hon. George E. Badger and Hon. John Bell, admitted that they had been elected to office over their competitors by the votes of colored men. The case of Mr. Bell, I think, was his first election to Congress.

The gentleman will also remember that several of the slave States, and nearly all the non-slave-holding States, permitted colored men to vote at the date of the formation of the Government; and they did vote, as he must know, upon the question of adopting the Constitution.

Mr. MALLORY. I think I have obtained an answer from the gentleman from Indiana, and I want to show what I understand that answer to be, so that there may be no mistake in the future. I understand him to say that these States may extend to this black population who settle upon these lands the right of suffrage and the right to hold office. I understand the gentleman to say that while as a citizen of Indiana, or Representative from that State, he has no control over the matter, yet if he had any control over the matter his vote and voice would be in favor of the exercise of the right of suffrage and to hold political office by the black men in the revolted States. I understand the gentleman to say if lands in Indiana be confiscated—and I believe it is alleged there are men there whose property may be confiscated—and these black men are located upon them, he will, as a potential member of the Republican party, advocate the enjoyment of the elective franchise by black men, of the political equality of the negro with the white man. That I understand to be the exact object and aim of this bill. I ask whether it is not the entering wedge for the purposes I have indicated.

Mr. JULIAN. I fear I shall not be able to satisfy the gentleman's remarkable thirst for knowledge, and for exact information as to the ulterior purposes of this bill and my own intentions in urging its passage. If the bill, by a fair interpretation of its language, is a good one and should command the gentleman's support, I hope he will not fight it because he fears it will be "the entering wedge" to revolutionary measures, or that my own intentions reach too far into the distant and uncertain future. I hope he will calm his fears. As to rebel lands in Indiana, the gentleman knows, if he has read the bill, that it applies only to the States in insurrection. As regards his reiterated questions, let me remind the gentleman that if he will remember the answers I have already given him he will find that they respond fully and fairly to what he asks. As respects the question of "negro equality," let me say to the gentleman that I do not think he ought to press it, considering his relations to his brethren in the South. I think the subject a somewhat delicate one for Democratic gentlemen to deal with.

Mr. MALLORY. I would like to have the gentleman explain that.

Mr. JULIAN. I will do so. We who are known as Republicans and unconditional Union men sometimes associate with negroes. They live among us, and of course we have dealings with them. But no such *intimate* relations exists between them and us as we find existing between them and the Democrats South. Continually, habitually, and as the result of a well-recognized law of social order, the slave mothers and slave masters of the South are

brought on the level of social equality in its most loathsome forms. In some of the rebel States I believe the number of mulattoes is nearly equal to the number of Democratic voters. In the State of Mississippi, if I am not mistaken, wherever you find an orthodox modern Democrat you will find a mulatto not very far off. The gentleman cannot deny this form of social equality, unless he can show that these mulattoes sprouted up from the soil, or were rained down from the clouds, or reported their presence through some other miracle. The social equality between negro women and Anglo-Saxon Democrats is the natural consequence and necessary fruit of the institution which has proved itself to be the mother of treason and of all lesser abominations.

Mr. MALLORY. The Census Bureau establishes the fact that one-sixth of the colored population of the North have white blood in their veins, while only one-ninth of the slave population have white blood in them.

Mr. JULIAN. I have not examined the census tables as to the fact stated by the gentleman. It may be true, for I believe mulattoes more generally come into the northern States, than those of a darker color, and of course their increase will be mulattoes. The gentleman is not at all relieved, however, by the white blood in the veins of these negroes in the North, for they have migrated from the South, bringing with them, perhaps the blood of the gentleman from Kentucky, and other distinguished leaders of his party. [Laughter.]

Mr. MALLORY. I have to say that the one-ninth white blood which exists in the South may be attributed to the fact that we have among us northern teachers, schoolmasters, and peddlers. [Laughter.]

Mr. JULIAN. The gentleman assigns entirely too large a work to these itinerant Yankees. Certainly, my friend from Kentucky does not believe them to be so wonderfully endowed, or so marvelously successful over able and experienced Democratic rivals. Besides, I think it was John Randolph who said that "the best blood of old Virginia courses in the veins of her slaves." It was not the blood of northern schoolmasters and peddlers, but Virginia blood, and what is true of Virginia may fairly be assumed as to other slave States.

Mr. MALLORY. Mr. Speaker—

Mr. JULIAN. I prefer not to be further interrupted in this direction. My time is rapidly expiring.

Mr. MALLORY. I wish the gentleman to answer my serious question, and not act the demagogue upon this occasion.

Mr. JULIAN. The gentleman imputes to me that which I think belongs exclusively to himself on this occasion.

Mr. MALLORY. The gentleman is mistaken.

Mr. JULIAN. I decline to yield further. When interrupted by the gentleman from Kentucky, I was replying to some of the objections of the gentleman from New York, [Mr. Fernando Wood,] to this bill. After urging its unconstitutionality, he said he did not seek to save the negroes from their masters, but from their white northern oppressors.

Mr. FERNANDO WOOD. Before the gentleman from Indiana leaves the point of replying to me, I desire to call his attention to the fact that my objection was to conferring these homesteads upon the black laborers, and not upon the black soldiers. The gentleman has carefully avoided alluding to that provision of the bill which allows laborers to enjoy these homesteads and not the soldiers.

Mr. JULIAN. I have no disposition whatever to evade the fact that this bill provides homesteads of forty acres for those who have been employed as laborers in the military service. But I wish to ask the gentleman from New York if he is in favor of conferring these lands as homesteads upon the black soldiers.

Mr. FERNANDO WOOD. I am not, [laughter,] because the lands do not belong to the Government, and hence they cannot confer them.

Mr. JULIAN. Then I have not misrepresented the gentleman, and he had no occasion to interrupt me. As respects the inhumanity of our loyal people toward the freedmen of the South I agree with him in all he has said; and one of the chief purposes of this measure is to prevent the establishment of a remorseless system of serfdom over the blacks. I know very well what is being done in Louisiana to-day under false ideas of reconstruction. I know that a system of enforced and uncompensated labor is growing up there but one remove from slavery itself. It is to guard against all this legalized vassalage and wrong by the white speculators of the North and the monopolists of the South that I desire to see this bill become a law.

Give away these lands in small homesteads to the men who have earned them by their heroism and their toils; for without a home no man can have, absolutely, any rights. Land monopoly is slavery in disguise. It is a stupendous system of serfdom, as unnatural in a republic as would be the recognition of universal liberty in an absolute despotism.

I have already referred to the vast estates of Floyd, Thompson, and other leading rebels, who, with their confederates own the great body of the lands in the rebel States. If you seize these lands and allot them in small homesteads, you destroy this monopoly and establish independence, liberty, and equality on the ruins of the system which has ripened into this war. You establish closely associated communities on the basis of free labor. You make it possible to establish free schools and churches, and by taking away the absolute power of capital over labor you secure the right to the ballot, and thus enable the people themselves to guard their political rights. Sir, this question of land monopoly is the grandest question of this tremendous conflict with the rebels. It involves the whole problem of reconstruction. If not decided wisely, what will the President's proclamation be worth? Of what avail would be an act of Congress totally abolishing slavery, or an amendment of the Constitution forever prohibiting it, if the old agricultural basis of aristocratic power shall remain? Real liberty must ever be an outlaw where one man only in three hundred or five hundred is an owner of the soil. Let it be remembered, too, that the work of settlement and reorganization in the revolted States must necessarily be attended by tumult and peril. Guerrillas will infest the country, and perhaps carry on their work of rapine and murder for years to come. Order and security can only approach their final empire by gradual steps. Nothing, therefore, can be more entirely natural and just than to send our veteran soldiers into these regions when the war is ended, with their rifles on their shoulders, ready to defend as well as to cultivate their homesteads, and protect from wrong and outrage those who may not be able to help themselves. This policy would make every settler in these regions, during their transition from barbarism to civilization, a national policeman and avenger, an efficient arm of that military force which for a time will be required by the state of the coun-

try. Both a military and an agricultural necessity plead for it, while it is commended by the highest statesmanship, and embodies a beautiful poetic justice to our own soldiers and to the rebels whose lands shall thus become their righteous heritage.

Mr. Speaker, let me say in conclusion, to the gentlemen on the other side of the House who have seemed so anxious to increase the pay of our soldiers that this bill gives them a capital opportunity to demonstrate their sincerity. My colleague, [Mr. Holman,] who I am sorry to say, is not now in his seat, has clamored during the whole of this session for an increased compensation for the brave fellows who are perilling their lives for the Republic. The gentleman from New York [Mr. Fernando Wood] has also been very anxious on the subject. It seems to be the earnest desire of our brethren on the other side of the House to have something done and that speedily for the common soldier. We have already increased his pay, but our Democratic friends are not yet satisfied. Now, here is a proposition, made by a committee of the House, to give all our sailors and soldiers, black or white, and all who have served the United States as laborers, homesteads of forty and eighty acres of land on the forfeited estates of the rebels. This is proposed as a reward for their valor, and as the surest pledge of the redemption and regeneration of the insurrectionary districts. Sir, I want to know how these gentlemen are going to reconcile their votes against this bill with their declared love for the soldiers of the Union?

It is a simple proposition to parcel out the

lands of the rebels by extending the homestead law over them under the regulations of the General Land Office, and in pursuance of existing laws of Congress on the subject of confiscation and revenue. It is a proposition to make effective, for the benefit of the soldier, what Congress has already done, and it will at once test the sincerity of every man who professes to be the soldier's friend. I submit to gentlemen upon the other side of the House that now is the favored opportunity, the accepted time, for them to show their faith by their works. Not to vote for this bill, it seems to me, is to vote to continue the immense monopoly of the soil in the revolted States without which this rebellion would have been impossible. Not to vote for this bill is to vote that northern speculators and monopolists shall continue to buy up the lands every day sold by the Government for the non-payment of taxes, and thus make them the basis of new and frightful monopolies. Not to vote for this bill is to write one's self down the enemy of the common soldier, whose valor has covered him with glory on so many bloody fields, and earned for him so richly the gratitude of his country. Not to vote for this bill is to balk the righteous purpose of the nation to save its own life, and to visit a fitting retribution upon its assassins.

Mr. Speaker, I shall not detain the House longer, having already occupied more time than I intended. I think the principles of this bill are understood on both sides of the House, and I now demand the previous question on its passage.

SPEECH OF

Hon. GEORGE W. JULIAN,

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 7TH, 1865.

The House being in the Committee of the Whole on the State of the Union, and having under consideration the President's message—

MR. JULIAN said:

MR. CHAIRMAN: Perhaps no task could be more instructive or profitable, in these culminating days of the rebellion, than a review of the shifting phases of thought and policy which have guided the Administration in its endeavors to crush it. Such a retrospect will help us to vindicate the real truth of history, both as to measures and men. It will bring out, in the strongest colors, the contrast between radicalism and conservatism, as rival political forces, each maintaining a varying control over the conduct of the war. It will, at the same time, point out and emphasize those pregnant lessons of the struggle which may best supply the Government with counsel in its further prosecution. The faithful performance of this task demands plainness of speech; and I shall not shrink from my accustomed use of it, in the interests of truth and freedom.

At the beginning of this war, Mr. Chairman, neither of the parties to it comprehended its character and magnitude. Its actual history has been an immeasurable surprise to both, and to the whole civilized world. The rebels evidently expected to make short work of it. Judging us by our habitual and long-continued submission to Southern domination, and confiding in the multiplied assurances of sympathy and help which they had received from their faithful allies in the North, they regarded the work of dismemberment as neither difficult nor expensive. They did not dream of the grand results which have proceeded from their mad enterprise. Nor does their delusion seem to have been at all strange or unnatural. Certainly, it was not more remarkable than the infatuation of the Administration, and its conservative friends. The Government understood the conflict as little, and misunderstood it as absolutely, as its foes. This, sir, is one of the lessons of the war which I think it worth while to have remembered. This revolt, it was believed, was simply a new and enlarged edition of Southern bluster. The Government did not realize the inexorable necessity of actual war, because it lacked the moral vision to perceive the real nature of the contest. To every suggestion of so dire an event it turned an averted face and a deaf ear. It hoped to restore order by making a show of war, without actually calling into play the terrible engine of war. It trusted in the form, without the power of war, just as some people have trusted in the form, without the power of godliness. It will be remembered that just before the battle of Ball's Bluff General McClellan ordered Colonel Stone

to "make a slight demonstration against the rebels," which might "have the effect to drive them from Leesburg." The Government seems to have pursued a like policy in dealing with the rebellion itself. "A slight demonstration," it was believed, would "have the effect" to arrest the rebels in their madness, and re-establish order and peace in about "sixty days," without allowing them to be seriously hurt, and without unchaining the tiger of war at all. The philosophy of General Patterson, who kindly advised that the war on our part should be "conducted on peace principles," was by no means out of fashion with our rulers, and the conservative leaders of opinion generally.—Even the Commander-in-Chief of our Army and Navy scouted the idea of putting down the rebellion by military power. He thought the country was to be saved by giving up the principles it had fairly won by the ballot in the year 1860, and to the maintenance of which the new Administration was solemnly pledged. He believed in "conciliation," in "compromise"—the meanest word in the whole vocabulary of our politics, except, perhaps, the word "conservative"—and had far less faith in the help of bullets and bayonets in managing the rebels than in the power of our brotherly love to melt their susceptible hearts, and woo them back, gently and lovingly, to a sense of their madness and their crime. Our distinguished Secretary of State declared that "none but a despotic or imperial Government would seek to subjugate thoroughly disaffected sovereignties." The policy of coercing the revolted States was disavowed by the President himself in his message to Congress of July, 1861.

Nor did the legislative department of the Government, at that time, disagree with the executive. On the 22d day of July of the same year—and I say it with sorrow and shame—on the very morning following the first battle of Bull Run, the House of Representatives, speaking in the form of solemn legislative resolves, as did the Senate two days later, declared that it was not the purpose of the Government to "subjugate" the villains who began this work of organized and inexcusable rapine and murder. Indeed, it was not then the fashion to call them villains. In the very polite and gingerly phrase of the times they were styled "our misguided fellow-citizens," and "our erring Southern brethren," while the rebel States themselves were lovingly referred to as "our wayward sisters." The truth is, that for about a year and a half of this war the policy of tenderness to the rebels so swayed the Administration that it seemed far less intent upon crushing the rebellion by arms, than upon contriving "how not to do it." General McClellan, who so long palsied the energies and balked the

purpose of the nation, would not allow an unkind word to be uttered in his presence against the rebel leaders. If an officer or soldier was heard to speak disrespectfully of the great confederate chief, he was summarily reprimanded, while the unrivaled reprobate and grandest of national cut-throats was pronounced a high-souled gentleman and man of honor! Not the spirit of war, but the spirit of peace, seemed to dictate our principles of action and measures of policy towards the men who had resolved, at whatever hazard or sacrifice, to break up the Government by force. This policy, sir, had it been continued, would have proved the certain triumph of the rebel cause. With grand armies in the field, and all the costly machinery of war in our hands, our opportunities were sinned away by inactivity and delay, while the rebels gathered strength from our indecision and weakness. A major general in our army, and as brave and patriotic a man as lives, said to me in the early stages of the war that the grand obstacle to our success was the lack of *resentment* on our part toward traitors. He said we did not adequately hate them; and he urged me, if in any degree in my power, to breathe into the hearts of the people in the loyal States a spirit of righteous indignation and wrath toward the rebels commensurate with the unmatched enormity of their deeds. This spirit, Mr. Chairman, was a military necessity. The absence of it furnishes the best explanation of our failure during the period referred to, while its acceptance by the Government inaugurated the new policy which has ever since been giving us victories.

That this sickly policy of an inoffensive war has naturally prolonged the struggle, and greatly augmented its cost in blood and treasure, no one can doubt. That it belongs, with its entire legacy of frightful results, exclusively to the conservative element in our politics, which at first ruled the Government, is equally certain. The radical men saw at first, as clearly as they see to-day, the character and spirit of this rebel revolt. The massacre at Fort Pillow, the starvation of our soldiers at Richmond, and the whole black catalogue of rebel atrocities, have only been so many verified predictions of the men who had studied the institution of slavery, and who regarded the rebellion as the natural fruit and culmination of its Christless career. And hence it was that in the very beginning of the war, radical men were in favor of its vigorous prosecution. They knew the foe with whom we had to wrestle. In language employed on this floor more than three years ago, they knew that "sooner than fail in their purpose the rebels would light up heaven itself with the red glare of the pit, and convert the earth into a carnival of devils." They knew that "every weapon in the armory of war must be grasped, and every arrow in our quiver sped toward the heart of a rebel." They knew that "all tenderness to such a foe is treason to our cause, murder to our people, faithlessness to the grandest and holiest trust ever committed to a free people." They knew that "the war should be made just as terrific to the rebels as possible, consistently with the laws of war, not as a work of vengeance, but of mercy, and the surest means of our triumph." They knew that in struggling with such a foe we were shut up to one grand and inevitable necessity and duty, and that was entire and absolute *subjugation*. All this was avowed and insisted upon by the earnest men who understood the nature of the conflict, and as persist-

ently disavowed and repudiated by the Government and its conservative advisers.

But a time came when its lessons had to be unlearned. In the school of trial it was forced to admit that war does not mean peace, but exactly the opposite of peace. Slowly, and step by step, it yielded up its theories and brought itself face to face with the stern facts of the crisis. The Government no longer gets frightened at the word subjugate, because of its liberal etymology, but is manfully and successfully endeavoring to place the yoke of the Constitution upon the unbaptized necks of the scoundrels who have thrown it off. The war is now recognized as a struggle of numbers, of desperate physical violence, to be fought out to the bitter end, without stopping to count its cost in money or in blood. Both the people and our armies, under this new dispensation, have been learning how to hate rebels as Christian patriots ought to have done from the beginning. They have been learning how to hate rebel sympathizers also, and to brand them as even meaner than rebels outright. They regard the open-throated traitor, who stakes his life, his property, his all, upon the success of his conspiracy against the Constitution and the rights of man, as a more tolerable character than the skulking miscreant who in his heart wishes the rebellion God-speed, while masquerading in the hypocritical disguise of loyalty. Had the Government been animated by a like spirit at the beginning of the outbreak, practically accepting the truth that there can be no middle ground between treason and loyalty, rebel sympathizers would have given the country far less trouble than they have done. A little wholesome severity, summarily administered, would have been a most sovereign panacea. On this point the people were in advance of the Administration, and they are to-day. Their earnestness has not yet found a complete and authoritative expression in the action of the Government. A system of retaliation, which would have been a measure of real mercy, has not been adopted. Our cause is not wholly rescued from the control of conservative politicians and generals. Much remains to be done; but far more, certainly, has already been accomplished. The times of brotherly love towards rebels in arms have gone by forever. Such men as McClellan, Buell, and Fitz John Porter, are generally out of the way, and men who believe in *fighting* rebels are in active command. This revolution in the war policy of the Government, as already observed, was absolutely necessary to the salvation of our cause; and the country will not soon forget those earnest men who at first comprehended the crisis and the duty, and persistently urged a vigorous policy, suited to remorseless and revolutionary violence, till the Government felt constrained to embrace it.

But a vigorous prosecution of the war, Mr. Chairman, was not enough. While this struggle is one of numbers and of violence, it is likewise, and still more emphatically, a war of ideas; a conflict between two forms of civilization, each wrestling for the mastery of the country. No one now pretends to dispute this, nor is it easy to understand how any one could ever have failed to perceive it. But the Government, in the beginning, did not believe it. It tried, with all its might, not to believe it, and to persuade the world to disbelieve it. It insisted that the real cause of the war did not cause it at all. The rebellion was the work of chance; a stupendous accident, leaping into

life full-grown, without father or mother, without any discoverable genesis. It was a huge, black, portentous, national riot, which must be suppressed, but nobody was to be allowed to say one word about the causes which produced it, or the issues involved in the struggle. Silence was to be our supreme wisdom. Hence it was that the Government, speaking through its high functionaries, declared that the slavery question was not involved in the quarrel, and that every slave in bondage would remain in exactly the same condition after the war as before. Hence it was that, when a celebrated proclamation was issued, giving freedom to slaves of rebels in Missouri, it was revoked by the Government in order to please the State of Kentucky, and placate the power that began the war. Hence, under General Halleck's "Order No. 3," which remained in force more than a year, the swarms of contrabands who came thronging to our lines, tendering us the use of their muscles and the secrets of the rebel prison-house, were driven away by our commanders. Hence it was that our soldiers were compelled to serve as slave-hounds in chasing down fugitives and sending them back to rebel masters, and that General McClellan, who always loved slavery more than he loved his country, and who declared he would put down slave insurrections "with an iron hand," was continued as commander-in-chief of our armies long months after the country desired to spew him out. Hence, likewise, so many thousands of our soldiers were compelled to dig and ditch in the swamps of the Chickahominy till the cold sweat of death gathered on the handle of the spade, while swarms of stalwart negroes, able to relieve them and eager to do so, were denied the privilege, lest it should offend the nostrils of democratic gentility, and give aid and comfort to the Abolitionists. Hence it was that the President, instead of striking at slavery as a military necessity, and while rebuking that policy in his dealings with Hunter and Fremont, was at the same time so earnestly espousing chimerical projects for the colonization of negroes, coupled with the policy of gradual and compensated emancipation, which should take place sometime before the year 1900, if the slaveholders should be willing. Hence it was that very soon after the Administration had been installed in power it began to lose sight of the principles on which it had triumphed in 1860, allowing four-fifths of the offices of the army and navy to be held by men of known hostility to those principles, while the various departments of the Government in this city were largely filled by rebel sympathizers. Hence it was that for nearly two years of this war the Government, while smiting the rebels with one hand, was with the other guarding the slave property and protecting the constitutional rights of the men who had renounced the Constitution, and ceased to have any rights under it save the right to its penalty against traitors. Hence it was that during the greater part of this time the Administration stood upon the platform and urged the policy of "the Constitution as it is and the Union as it was," which the nation so overwhelmingly repudiated in the late presidential contest. Hence it was finally, that the songs of Whittier could not be sung in our armies; that slavery was everywhere dealt with by the Government as the dear child of its love; and that our rulers seemed, with matchless impiety, to hope for the favor of God without lying hold of the *conscience* of our quarrel, and by coolly kicking it out of doors! Sir, I believe it safe to say that this madness cost the

nation the precious sacrifice of fifty thousand soldiers, who have gone up to the throne of God as witnesses against the horrid infatuation that so long shaped the policy of the Government in resisting this slaveholders' rebellion.

But here, again, Mr. Chairman, the Government had to unlearn its first lessons. Its purpose to crush the rebellion and spare slavery was found to be utterly suicidal to our cause. It was a purpose to accomplish a moral impossibility, and was therefore prosecuted, it not conceived, in the interest of the rebels. It was an attempt to marry treason and loyalty; for the rebellion *is* slavery, armed with the powers of war, organized for wholesale schemes of aggression, and animated by the overwhelming fullness of its infernal genius. The strength of our cause lies in its righteousness, and therefore no bargain with the devil could possibly give it aid. Through great suffering and sacrifice, individual and national, our rulers learned that there is but "one strong thing here below, the just thing, the true thing," and that God would not allow these severed States to be re-united without the abandonment, forever, of our great national sin. This was a difficult lesson, but as it was gradually mastered, the Government "changed its base." It became disenchanted. Congress took the lead in ushering in the new dispensation. A new Article of War was enacted, forbidding our armies from returning fugitive slaves. Slavery was abolished in the District of Columbia, and prohibited in our national Territories, where it had been planted by the dogma of popular sovereignty and the Dred Scott decision. Our Federal judiciary was so reorganized as to make sure this anti-slavery legislation of Congress. The confiscation of slaves was provided for, and freedom offered to all who would come over and help us, either as laborers or soldiers, thus annulling the famous and *infamous* order of General Halleck, already referred to. The fugitive slave law was at first made void as to the slaves of rebels, and finally repealed altogether, with the old law of 1793. The coastwise slave trade, a frightful system of home piracy, carried on by authority of Congress since the year 1807, was totally abolished. The right of testimony in our Federal courts, and to sue and be sued, was conferred upon negroes. Their employment as soldiers was at last systematically provided for, and their pay at length made the same as that of white soldiers. The independence of Hayti and Liberia was recognized, and new measures taken to put an end to the African slave trade. In thus wiping out our code of national slave laws, acknowledging the manhood of the negro, and recognizing slavery as the enemy of our peace, Congress emphatically rebuked the policy which had sought to ignore it, and to shield it from the destructive hand of the war instigated by itself; while it opened the way for further and inevitable measures of justice, looking to his complete emancipation from the dominion of Anglo-Saxon prejudice, the repeal of all special legislation intended for his injury, and his resolute restoration to equal rights with the white man as a citizen as well as a soldier.

Meanwhile, the President had been giving the subject his sober second thought, and re-considering his position at the beginning of the conflict. Instead of affirming, as at first, that the question of slavery was not involved in the struggle, he gradually perceived and finally admitted that it was at once the cause of the war and the obstacle to peace. Instead of resolving to save the Union *with* slavery, he finally resolved to save the Union *without* it, and by its

destruction. Instead of entertaining the country with projects of gradual and distant emancipation, conditioned upon compensation to the master and colonization of the freedmen, he himself finally launched the policy of immediate and unconditional liberation. Instead of recoiling from "radical and extreme measures," and "a remorseless revolutionary conflict," he at last marched up to the full height of the national emergency, and proclaimed "to all whom it may concern," that slavery must perish. Instead of a constitutional amendment for the purpose of eternizing the institution in the Republic, indorsed by him in his inaugural message, he became the zealous advocate of a constitutional amendment abolishing it forever. Instead of committing the fortunes of the war to pro-slavery commanders, whose hearts were not in the work, he learned how to dispense with their services, and find the proper substitutes. These forward movements were not ventured upon hastily, but after much hesitation and apparent reluctance. Not suddenly, but following great deliberation and many misgivings, he issued his proclamation of freedom. Months afterward he doubted its wisdom; but it was a grand step forward, which at once served his relations with his old conservative friends, and linked his fortunes thenceforward to those of the men of ideas and of progress. Going hand in hand with Congress in the great advance measures referred to, or acquiescing in their adoption, the whole policy of the Administration has been revolutionized. Abolitionism and loyalty are now accepted as convertible terms, and so are treason and slavery. Our covenant with death is annulled. Our national partnership with Satan has been dissolved; and just in proportion as this has been done, and an alliance sought with divine Providence, has the cause of our country prospered. In a word, Radicalism has saved our nation from the political damnation and ruin to which conservatism would certainly have consigned it; while the mistakes and failures of the Administration stand confessed in its new policy, which alone can vindicate its wisdom, command the respect and gratitude of the people, and save it from humiliation and disgrace.

Mr. Chairman, these lessons of the past suggest the true mord of this great conflict, and make the way of the future plain. They demand a vigorous prosecution of the war by all the powers of war, and that the last vestige of slavery shall be scourged out of life. Let the Administration falter on either of these points and the people will disown its policy. They have not chosen the President for another term through any secondary or merely personal considerations. In the presence of so grand an issue, men were nothing. They had no faith in General McClellan and the party leaders at his heels. They had little faith in the early policy of Mr. Lincoln, when Democratic ideas ruled his Administration, and the power of slavery held him in its grasp. Had his appeal to the people been made two years earlier, he would have been as overwhelmingly repudiated as he has been gloriously indorsed. The people sustain him now, because of their assured faith that he will not hesitate to execute their will. In voting for him for a second time, they voted for liberating and arming the slaves of the South to crush out a slaveholders' rebellion. They voted that the Republic shall live, and that whatever is necessary to save its life shall be done. They voted that slavery shall be eternally doomed, and further rebellions thus made impossible. They voted, not that Abraham Lin-

coln can save the country, but that *they* can save it, with him as their servant. That is what was decided in the late elections. I have participated, somewhat actively, in seven presidential contests, and I remember none in which the element of personal enthusiasm had a smaller share than that of last November. One grand and overmastering resolve filled the hearts and swayed the purposes of the masses everywhere, and that was the rescue of the country through the defeat of the Chicago platform and conspirators. In the execution of that resolve they lost sight of everything else; but should the President now place himself in the people's way, by reviving the old policy of tenderness to the rebels and their beloved institution, the loyal men of the country will abandon his policy as decidedly as they have supported it generously. They have not approved the mistakes either of the legislative or executive department of the Government. They expect that Congress will pass a bill for the confiscation of the fee of rebel landholders, and they expect the President will approve it. They expect that Congress will provide for the reconstruction of the rebel States by systematic legislation, which shall guarantee republican governments to each of those States, and the complete enfranchisement of the negro; and they will not approve, as they have not approved of any executive interference with the people's will as deliberately expressed by Congress. They expect that Congress will provide for parceling out the forfeited and confiscated lands of rebels in small homesteads among the soldiers and seamen of the war, as a fit reward for their valor, and a security against their ruinous monopoly of the soil in the South; and they will be disappointed should this great measure fail through the default either of Congress or the Executive. They demand a system of just retaliation against the rebels for outrages committed upon our prisoners; that a policy of increasing earnestness and vigor shall prevail till the war shall be ended; and that no hope of peace shall be whispered, save on condition of an absolute and unconditional surrender to our authority; and the Government will only prolong the war by standing in the way of these demands. This is emphatically the people's war; and it will not any longer suffice to say that the people are not ready for all necessary measures of success. The people would have been ready for such measures from the beginning, if the Government had lead the way. At every stage of the contest they have hailed with joy every earnest man who came forward, and every vigorous war measure that has been proposed. So long as the war was conducted under the counsels of conservatives, and in the interests of slavery, the people clamored against the Administration; but just so soon as the Government entered upon a vigorous policy, and proclaimed war against slavery, the people began to shout for the Union and liberty. In the fall of 1862, before the Administration was divorced from its early policy, the Union party was overwhelmed at the polls. But we triumphed the next year, and gloriously triumphed last year, because the Government yielded to the popular demand. The plea often urged that the people were not ready, is less a fact than a pretext. The men who loved slavery more than they loved the Union were never ready for radical measures. They are not ready to-day. On the other hand, the men who were all the while unconditionally for the Union, would have sustained the Administration far more

heartily in the most thorough and sweeping war measures, than they sustained its policy of delaying those measures to the last hour.

The truth is, the people have stood by the Government for the sake of the cause, whether its policy pleased them or not. Their faith and patience have been singularly unflinching throughout the entire struggle. They would not distrust the President without the strongest reasons. They were ever ready to credit him with good intentions, and to presume in favor of his superior means of knowledge. When General Fremont was recalled from Missouri, and General Butler from New Orleans, the people pocketed their deep disappointment, and quietly acquiesced. When General Buell was kept in command so long after his inefficiency had been demonstrated and his loyalty questioned, both by the country and the men under his command, the people bore it with uncommon patience and long-suffering. They displayed the same virtues in the case of General McClellan, and other rebel sympathizers, who forced favor with the Administration long after the country would have sent them adrift. Sir, this feeling of unconquerable respect for our chosen rulers, this Anglo-Saxon regard for constituted authority, has been evinced by the people through all the phases of the war. Most assuredly it would not have been found wanting had the Government inaugurated a radical policy, instead of a conservative one, during the first year and a half of the struggle. The people who endured McClellan, and Buell, and Halleck, would have endured Fremont, and Hunter, and Butler. If the conservative Unionists of Kentucky were not ready for the proclamation of freedom to the slaves of Missouri rebels, there were millions of people outside of Kentucky who were not ready to have it revoked. I agree that slavery had done much to drug the conscience of the country with its insidious poison. I know that we had so long made our bed with slaveholders that kicking them out was rather an awkward business. As brethren, living under a common Government, we had long journeyed together, and our habits and traditions naturally took the form of obstacles to a just policy in dealing with them as rebels and public enemies. It was by no means easy at once to recognize them as such. All this is granted, and that in the beginning the country was not prepared for every radical measure of legislation and war now being employed by the Government. But it was the duty of the Administration to do its part in preparing the country. Clothed with solemn official authority, and intrusted by the nation with the sworn duty of serving it in such a crisis, it had no right to become the foot-ball of events. It had no right, at such a time, to make itself, a negative expression, or an unknown quantity, in the algebra which was to work out the grand problem. It had no right to take shelter beneath a debauched and sickly public sentiment, and plead it in bar of the great duty imposed upon it by the crisis. It had no right, certainly, to lag behind that sentiment, to magnify its extent and potency, and to become its virtual ally, instead of endeavoring to control it, and to indoctrinate the country with ideas suited to the emergency. The power of the Government in molding the general opinion and feeling was immense, and its responsibility must be measured accordingly. The revocation of the first anti-slavery proclamation of this war chilled the heart of every earnest loyalist in the land, and came like a rumpet-call to the pro-slavery hosts to rally

and stand together. They obeyed it, and from that event dates the birth of organized copperhead democracy. The rebels of the South and their sympathizers in the North felt that they had gained an ally in the President. Had he sustained that measure, would not its moral effect have been at least as potent on the other side? Had his official name and sanction been as often given to the cause of radicalism as they were lent to that of pro-slavery conservatism would not the country have been much sooner prepared for the saying and only policy? If he had said, early in the struggle, "to all whom it may concern," what he says now, that slavery is the nation's enemy, and therefore must be destroyed, instead of sheltering it under the Constitution and sparing it from the hand of war, how grandly could he have "organized victory" and multiplied himself among the people! Sir, our traditional respect for slavery and slaveholders was our grand peril. It stood up as an impassable barrier in the way of any successful war for the Union. So long as it was allowed to dominate, it unnerved the arm of the Government and deadened the spirit of the people. It made the Old World our enemy, and threatened us with foreign war. The mission of the Government was not to make this feeling stronger by deferring to it, or to doom the country to a prolonged war and deplorable sacrifices as the best means of teaching the people the truth. No. The country needed a speedy exodus from the bondage of false ideas, and the Government should have pointed the way. A frank statement by it of the real issue of the war, without any disposition to cover up the truth; an unmistakable hostility to slavery as the organized curse, without which the rebellion would have been impossible; and the timely utterance in its leading State papers of a few bold and spirit-stirring words which might have been "half battles," appealing to the courage and manhood of the nation, would have gone far to educate the judgment and conscience of the people, and command their enthusiastic espousal of whatever measures would promise most speedily to end the struggle and economize its cost in property and life.

Mr. Chairman, I take no pleasure, certainly, in thus freely discussing the policy of the Government in its endeavors to meet its great responsibilities during this war. I have only referred to its mistakes as a servant of the truth, and in the name of the great cause which has been made to suffer. I believe, religiously, in the freedom of speech. From the beginning of the war I have exercised the right of frank, friendly, and fearless criticism of the conduct of our rulers, wherever I believed them to have been in the wrong. I shall continue to exercise it to the end; and if I should not, through any personal or prudential considerations, I would be unworthy of the seat I have occupied on this floor. Criticism has dictated the present policy of the Government, and is still a duty. This great battle for the rights of man, and the actors in it, must be judged. None of them can "escape history." The fame of none of them is so precious as the truth, and as public justice, which cares for the dead as well as the living, for the common soldiers slain by thousands, as well as for the general and the statesman. The President, his advisers, his commanding generals, and the civilians whose shaping hands have had so much to do with the conduct of the war, must all of them be weighed in the balance by the people and the generations to come. "The great soul of the world is just," and

sooner or later all disguises will be thrown off, and every historical character will stand forth as he is, in the light of his deeds and deserts. The men who have been intrusted with the concerns of the nation in this momentous crisis will not be judged harshly. Much will be forgiven or excused on the score of the surpassing magnitude and difficulty of their work. Justice will be done; but that justice may brand as a crime, the blunders proceeding from a feeble, timid, ambidextrous policy, resulting in great sacrifices of life and treasure, and periling the priceless interests at stake. I would award all due honor to this Administration, and to the statesmen and generals who have been faithful to their high trusts; but I would award an equal honor to the rank and file of the people, who have inspired its present policy, and to the rank and file of our soldiers, who have saved the country in spite of the mistakes of the Government, the strifes of our politicians, and the rivalries of our generals. These are the real heroes of the war. Untitled, practically unrewarded, facing every form of privation and danger, and animated by the purest patriotism, the common soldier is not only the true hero of the war, but the real saviour of his country.

But a higher honor, if not a more enduring fame, will be the heritage of the anti-slavery pioneers and prophets of our land; for

"Peace hath higher tests of manhood
Than battle ever knew."

Without their heroic labors and sacrifices the Republic, "heirs of all the ages," would have been the mightiest slave empire of the world. In an age of practical atheism and mammon-worship, when the Church and the State joined hands with slavery as the new trinity of the nation's faith, they really believed in God, in justice, in the resistless might of the truth. They believed that liberty is the birthright of all men, and their grand mission was the practical vindication of this truth. They believed, with their whole hearts, in the Declaration of Independence. They accepted its teachings as coincident with the Gospel of Christ, and supported by reason and justice. It was their ceaseless "battle-cry of freedom," and they chanted it as "the fresh, the matin song of the universe," to the enslaved of all races and lands. They were branded as fanatics and infidels, and encountered everywhere the hootings of the multitude and the scorn of politicians and priests; but I know of no class of men who were ever more far-sighted, whose convictions rested on so broad a basis of Christian morals and logic, and whose religious trust was so strong and so steadfast. For them there was no "eclipse of faith." Just as the nation began to lapse from the grand ideas of our revolutionary era, they began to "cry aloud and spare not," and they never ceased or slackened their labors. Placing their ears to the ground in the infancy and weakness of their movement, they caught the rumbling thunders of civil war in the distance, warned the country of its

danger, and preached repentance as the chosen and only means of escape. They were compelled to face mobs, violence, persecution, and death, and were always misunderstood or misrepresented; but they never faltered. Reputation, honors, property, worldly ease, were all freely laid upon the altar of duty, in their resolve to vindicate the rights of man and the freedom of speech. To follow these apostles and martyrs was to forsake all the prizes of life which worldly prudence or ambition could value or covet. It was to take up the heaviest cross yet fashioned by this century as the test of Christian character and heroism; and those who bore it were far braver spirits than the men who fight our battles on land and sea.

Mr. Chairman, the failure of men thus devoted to a great and holy cause was morally impossible. They could not fail. Through their courage, constancy, and faith, they gradually secured the co-operation or sympathy of the better type of men of all parties and creeds. They seriously disturbed, or broke in pieces, the great political and ecclesiastical organizations of the land; and even before this war their ideas were rapidly taking captive the popular heart. When it came, they saw, as by intuition, the character of the struggle, as the final phase of slaveholding madness and crime, and insisted upon the early adoption of that radical policy which the Government at last was compelled to accept. I believe it safe to say that the moral appeals and persistent criticism of these men, and of the far greater numbers who borrowed or sympathized with their views, saved our cause from the complete control of conservatism, and thus saved the country itself from destruction. Going at once to the heart of our great conflict, they pointed out the only remedy, and felt compelled to reprobate the failure of the Government to adopt it. They judged its policy in war, as they had done in peace, in the light of its fidelity or infidelity to human rights. By this test they tried every man and party, and they need ask for no other rule of judgment for themselves. The Administration, and the chief actors in this drama of war, of whatever political school, must be weighed in the same great balance. Not even the founders of the Republic will be spared from the trial. In their compromise with slavery in the beginning, which is now seen to have been the germ of this horrid conflict, they "swerved from the right." Posterity must so pronounce; and the record which dims the luster of their great names will be read in the flames of this war as a warning against all future compacts with evil. Justice to public men is a certain as that truth is omnipotent. It may be delayed for a season; it may be hidden from the vision of men of little faith; but its final triumph is sure. To the world's true heroes and confessors history ever sends its word of cheer:

"The good can well afford to wait;
Give ermined knaves their hour of crime;
Ye have the future, grand and great,
The safe appeal of truth to time."

SPEECH OF

Hon. GEORGE W. JULIAN,

IN THE HOUSE OF REPRESENTATIVES, JANUARY 16TH, 1866.

THE House having under consideration the bill extending the right of suffrage in the District of Columbia—

Mr. JULIAN said:

MR. SPEAKER: Whatever doubts may arise as to the authority of Congress to regulate the right of suffrage in the districts lately in revolt, none can exist as to such authority within the District of Columbia. By the express words of the Constitution, Congress here has "exclusive power of legislation;" and that power, of course, extends to all the legitimate subjects of legislation, of which the ballot is unquestionably one. Shall it be conferred, irrespective of color, or granted only to white men? Shall Congress recognize the equal rights of all men in the metropolis of the nation and the territory under its exclusive control, or must our national policy still be inspired by that contempt for the negro which caused slavery, and finally gave birth to the horrid war from which we have just emerged? Shall the nation, through its chosen servants, stand by the principle of taxation and representation for which our fathers fought in the beginning, or re-enact its guilty compact with aristocracy and caste? This is the question, variously stated, which confronts us in the bill before the House. It must now be dealt with upon its merits. To attempt to postpone or evade it is to trifle with the dangers and duties of the hour, and forget all the terrible lessons of the past.

Mr. Speaker, I demand the ballot for the colored men of this District on the broad ground of absolute right. I repudiate the political philosophy which treats the right of suffrage as merely conventional. The right of a man to a voice in the Government which deals with his liberty, his property, and his life, is as natural, as inborn, as any one of those enumerated by our fathers. It is said, I know, that natural rights are only those universal ones which exist in a state of nature, in which every man takes his defense and protection into his own hands; but I answer that there is no such state of nature, save in the dreams of speculative writers. The natural state of man is a state of society, which demands law, government, as the condition of its life. By the right of suffrage I mean the right to a share in the governing power; and while the peculiar manner and circumstances

of its exercise may fairly be regarded as conventional, the *right* is natural. If not, then there are no natural rights, since none could be enjoyed except by the favor or grace of the Government, which must decide for itself who shall be permitted to share in its exercise. You may, if you choose, call the right of suffrage a natural *social* right; but whatever adjectives you employ in your definition, the right, I insist, is natural. Most certainly it is so in its primary sense. My friend from Iowa [Mr. Wilson] substantially agrees with me, for he speaks of suffrage, not as a *privilege*, but as a right, equally sacred with those acknowledged to be natural, and which Government cannot take away. Sir, without the ballot no man is really free, because if he enjoys freedom it is by the *permission* of those who govern, and not in virtue of his own recognized manhood. We talk about the natural right of all men to life, to liberty, and to the pursuit of happiness; but if one race of men can rightfully disfranchise another, and govern them at will, what becomes of their natural rights? The moment you admit such a principle, the very idea of democracy is renounced, and absolutism must own you as its disciple. The fact that society, through Government as its agent, regulates the right, and withholds it in certain instances, as in the case of infants and idiots, and makes the withdrawal of it a punishment for crime in others, does not at all contravene the ground I assume. Society, for its own protection, takes away all natural rights, or rather, it declares them forfeited on certain prescribed conditions. Christianity and civilization place their brand upon slavery as a violation of the natural rights of men. But that system of personal servitude from which we have finally been delivered is only one type of slavery. Serfdom is another. That unnatural ownership of labor by capital which grinds the toiling millions of the Old World, and renders life itself a curse, is not less at war with natural rights than negro slavery. The degrees of slavery may vary, but the real test of freedom is the right to a share in the governing power. Judge Humphrey, speaking of the freedmen, says "there is really no difference, in my opinion, whether we hold them as absolute slaves, or obtain their labor by some other method." The old slaveholders under-

stand this perfectly. An intelligent human being, absolutely subject to the Government under which he lives, answerable to it in his person and property for disobedience, and yet denied any political rights whatever, is a slave. He may not wear the collar of any single owner, but he will be what Carl Schurz aptly calls "the slave of society," which is often a less merciful tyrant! He will owe to the mere grace of the Government the right to marry and rear a family; the right to sue for any grievance; the right to own a home in the wide world; the right to the means of acquiring knowledge; the right of free locomotion and to pursue his own happiness; the right to a fair day's wages for a fair day's work; the right to life itself, save on conditions to be fixed without his consent, and which may render him an alien and an outcast among men. So abject and humiliating is such a condition, and so perfectly does the world understand the sacredness of the rights of the citizen, that in all free Governments his disfranchisement is appropriately made a part of the punishment for high crimes. Sir, I repeat it, there is no freedom, no security against wrong and outrage, save in the ballot; and Gov. Brownlow is therefore thoroughly right in principle, in contending that the constitutional amendment abolishing slavery, and giving Congress the power, by appropriate legislation, to enforce this abolition, authorizes us to secure the ballot to all men in the revolted districts, irrespective of color. It is not slavery in form, but in fact, and under whatever name, that the people of the United States intend to have abolished forever.

If I am right in this view, color has nothing whatever to do with the question of suffrage, as the gentleman from Iowa [Mr. Kasson] will see. The negro should not be disfranchised because he is black, nor the white man allowed to vote because he is white. Both should have the ballot, because they are men and citizens, and require it for their protection. Are you willing to rest your right to the ballot on the purely contingent fact of your color? Your manhood tells you instantly that *that* is not the foundation. You are a man, endowed with all the rights of a man, and therefore you demand a voice in the Government; but when you say this you assert the equal rights of the negro. Neither color, nor race, nor a certain amount of property, nor any other mere accident of humanity can justify one portion of the people in stripping another portion of their equal rights before the law, the common master over all. Government, in fact, in its proper, American sense, is simply the agent and representative of the governed, in taking care of their interests and guarding their rights. It is not the concern of the few, nor the many, but of all. The negro, doubtless, would have been born white if he could have been consulted; and to take from him his inherent rights as a man because of his complexion is a political absurdity as monstrous as its injustice is mean and revolting. When you do it, you aim a dead-

ly stab at the vital principle of all democracy. And if you may disfranchise the negro to-day on account of his race, or color, you may disfranchise the Irishman to-morrow, and the German the next day; and then, perhaps, you will be prepared to strike down the laboring man, the "mudsill," adopting the Virginia philosophy, that "filthy operatives" and "greasy mechanics" are unfit for political power. No absurdity or wickedness can be too great for a people who could thus deliberately sin against the great primal truths of democracy; and the logical consequence of the first false step, of any departure whatever from the rule which makes manhood alone the test of right, must be to continually narrow the basis of popular power till the end shall be a remorseless aristocracy or an absolute despotism.

Mr. Speaker, this view of suffrage as a natural right greatly simplifies the whole subject. The sole question is, as already stated, whether our democratic theory of Government shall be maintained in practically recognizing the inherent rights of all men as the source and basis of political power? To ask this question in the United States is to answer it. And public policy, also, answers the question in the interest of the broadest radicalism. Duty and advantage will be found hand in hand in any fairly tested experiment of equal suffrage. According to the census returns of 1860, the colored population of this District was then over fourteen thousand. It is now estimated at about twenty thousand. The value of real and personal property owned by them is at least \$1,225,000. They own twenty-one churches, supported at a cost of over \$20,000 per annum. The whole number of their communicants is 4,300, with an average attendance of 9,000, distributed among their own religious communities, and among the Catholic and Episcopal churches of their white fellow-citizens. They have twenty Sabbath schools, with from three to four thousand scholars, and thirty-three day schools, attended by over four thousand scholars in the month of last November. Four thousand of the colored people can read and write. They subscribe for 1,200 copies of the National Republican, and about 3,000 copies of the Daily and Sunday Chronicle. There are more than thirty benevolent, literary, and civic organizations among them, by which their needy, superannuated and infirm are cared for to a large extent, the city government having none or very few colored paupers to support. They furnished three full regiments for the national service, numbering in all 3,549, and from sixty to seventy per cent. of the drafts in the District were composed of drafted colored soldiers or substitutes. This, sir, is the character and condition of a class in this community, ninety per cent. of whom were slaves at the beginning of the war, or their immediate descendants, many of them having purchased their own freedom and that of their families, and are besides property holders to a considerable extent. Sir, I call this a good record.

if not a proud one. These people are here, and they will remain here, either as the friends or the enemies of the Government. If we shall give them their rights—a stake in society, an equal chance with the white man to fight the battle of life—instead of becoming an element of weakness and a source of danger they will be found our allies and friends, and thus lend unity and strength to the Government. If we shall continue to disfranchise and degrade them, we shall make them aliens, domestic foes in our midst, a perpetual menace of danger and discord, from which we shall suffer quite as much as the party thus wronged by our cruel folly. As a matter of mere policy, therefore, wholly aside from the question of right, I would give the ballot to every colored man of competent age in the District; and had I the power I would secure to him a home on the soil he has so long watered by his tears. I proposed this policy for the revolted States in a measure I had the honor to report to this House two years ago, providing for homesteads on the forfeited and confiscated lands of rebels; and had it prevailed in the Senate as it did in this body, it would have wrought out the only true reconstruction of government and society in the South. The great want of every poor man is a home, along with the ballot with which to defend it. Russia, in giving freedom to her millions of serfs, secured to each of them a homestead. Our policy should be the same. In the history of the world the ballot has generally followed the granting of homesteads to the poor; but the poor now should have the ballot as the surest means of attaining the homestead. Sir, there is but one remedy for the appalling picture recently presented by John Bright, of five million families in the United Kingdom who are unrepresented in Parliament, and whose utter helplessness, poverty and degradation appeal in vain to the English aristocracy. That remedy, as righteously due these voiceless millions as the sunlight, is the ballot. That would “lend the powers of statesmanship to the high and holy purposes of humanity and justice,” and at last make sure to the lowliest the blessed sanctuary of a home upon the soil, which is among the natural rights to secure which “Governments are instituted among men.” In our own more favored country the ballot and the homestead may go together, and should be conferred at once. In the five great landed States of the South there yet remain about fifty million acres of public land unsold, all of which, if not prevented by law, will be open to rebel speculators. This should be set apart at once for actual homesteads in limited quantities, and a bill providing for this is now before the Committee on Public Lands. Every landless freedman in the country, should this measure prevail, will have at least a chance to become a freeholder, and thus to unite his destiny to the Government as its friend. This, or some kindred measure, is rendered absolutely necessary by the unfortunate failure of the policy of confiscation, and by what

seems to me the criminal action of the Government in restoring to flagitious rebels, through pardons and otherwise, the vast and valuable lands which had vested in the nation through their treason, and are so greatly needed and have been so justly earned by the freedmen. Sir, no other policy than that of justice and equal rights can be trusted in dealing with these long-suffering people. Instead of driving them to thriftlessness and vagabondism, I would bind them to the Government through its parental care for their welfare. Let us give them the ballot; and then, should a public grievance come, they will bear it cheerfully, as self-imposed. They will bide their time, in the hope that at a future election the remedy will be found. “I can conceive no greater social evil,” says Governor Parsons, of Alabama, “than a class of humanity in our midst so excluded from the social pale as to become a stagnant, seething, miasmatic, moral cesspool in the community. Human nature cannot improve without the moral incentive of hope in a human future.” The policy of education, of moral development, can alone secure the just rights and the highest good of all races; and if the rulers of other countries were wise, they would apply this truth in dealing with their discontented and dangerous population. “Each class in England,” says the Westminster Review, “as it has, by the natural progress of civilization, in time advanced to a consciousness of its own condition, and a comparison between itself and others has in turn demanded to be admitted to a share in the Government. Each in turn has been admitted, and the country has grown more and more powerful, and the people more contented, as the basis of freedom has gone down lower and spread out wider.” Sir, I trust this lesson of English history, slowly evolved, and now held up to us by English radicals, will not be slighted in dealing with the question of negro enfranchisement in our own country.

Mr. Speaker, if it shall be objected that the negroes of this District are not fit to vote; that they are too ignorant and degraded to be intrusted with power, I have several replies to make.

In the first place, the negroes of this District are not all ignorant, as I have already shown by facts. Many of them are educated and quite intelligent. The larger class who are not so will not suffer by a comparison with the very large class of their ignorant white neighbors. The “rounders” and ruffians who instigate mobs against harmless and peaceable colored people, and then publish their deeds as a negro insurrection, and who have probably been on the side of the rebels, in sympathy or in fact, during the whole of the war, are not the most fit men in the world for the ballot. They vote, and there is no proposition from any quarter to disfranchise them. The policy of Massachusetts, referred to yesterday by the gentleman from Iowa, [Mr. Kasson,] would leave them untouched.

I commend this fact to all the fair-minded opponents of negro suffrage.

In the next place fitness is a relative term. Nobody is *perfectly* fit to vote, because nobody is perfectly informed as to all the subjects of our legislation and policy. Of the millions in our land who regularly go to the polls and pass upon the gravest questions, how many could stand even a tolerable examination on political economy, or constitutional law, or political ethics? How many men of good sense and fair intelligence could give a well-defined reason even for some of their most decided opinions? The truth is, all men are more or less unfit to vote, as all men are more or less unfit to discharge all their duties, civil, social, religious, or what not. The political opinions and actions of the generality of men, who in a free country govern, are not guided by logic, or any exact knowledge, but by habit and tradition, by their social relations, and by their natural trust in those whom they think wiser than themselves. On this subject the highest authority of which I have any knowledge is John Stuart Mill. He says:

"It is not necessary that the many should, in themselves, be perfectly wise; it is sufficient if they be duly sensible of the value of superior wisdom. It is sufficient if they be aware that the majority of political questions turn upon considerations of which they and all other persons not trained for the purpose must necessarily be very imperfect judges, and that their judgment must, in general, be exercised upon the characters and talents of the persons whom they appoint to decide those questions for them, rather than upon the questions themselves. This implies no greater wisdom in the people than the very ordinary wisdom of knowing what things they are and are not sufficient judges of. If the bulk of any people possess a fair share of this wisdom, the argument for universal suffrage, so far as respects that people, is irresistible."

Sir, by this standard I am willing to have the colored people of this District tried; and I demand the same trial for the white men who are loudest in their protest against negro ballots.

Mr. GARFIELD. I desire to ask the gentleman whether, in his reference to the opinion of John Stuart Mill, he quotes that distinguished writer as in favor of unqualified suffrage?

Mr. JULIAN. No, sir. I quoted from him simply to show his opinion as to the measure of intelligence deemed by him necessary to qualify men for suffrage. I quoted the extract because it sustains the point I am arguing.

Mr. GARFIELD. I did not ask the question with a view of opposing any doctrine the gentleman is advocating, but merely to suggest that Mr. Mill, in the volume from which the gentleman has just quoted, takes strong ground in favor of suffrage restricted by educational qualifications.

Mr. HILL. Mr. Speaker, I understand my colleague to base his argument in favor of negro suffrage in the District of Columbia upon the personal right of suffrage. I desire to ask my colleague whether he regards that as a personal right elsewhere than in the District of Columbia; and whether, as a citizen of Indiana, where it is notorious, negroes have

not for years past been permitted to migrate, he is willing to extend that right to his own State?

Mr. JULIAN. I shall refer to that question presently; and answer it, I think, to the satisfaction of my colleague.

Mr. Speaker, mere knowledge, education in its ordinary sense, will not fit any man to vote. It must depend, as Dr. Lieber says, upon how men use it. He declares it to be no guarantee for free institutions, and refers to Prussia, the best educated country in the world, where liberty is an outlaw. The reading and writing test, so strenuously urged on this floor, is a singularly insufficient measure of fitness. Reading and writing are mechanical processes, and a man may be able to perform them without any worthiness of life or character. He may lack this qualification, and yet be tolerably fit to have a voice in the Government. If penmanship must be made the avenue to the ballot, I fear several honorable gentlemen on this floor will be disfranchised. A merely educational test would allow all the rebel leaders to vote, while the great body of the people of the South, white and colored, would be disfranchised. Sir, education of the heart is far more important than that of the brain. "The soul is greater than logic." The hearts of the negroes have been unfalteringly with us all through the war, inspiring their judgment, vivifying their convictions, and insuring their universal loyalty. They, of all men in the South, have best vindicated their title to the ballot.

Mr. Speaker, our American democracy has never required any standard of knowledge as a condition of suffrage; and the educational test, invented by the Know-Nothings some years ago, during their raid against the foreigners, would not now be thought of but for our proverbial hatred of the negro. According to our census tables, more than half a million men in our country annually go to the polls who can neither read the Constitution nor write their names. The proposition to disfranchise this grand array of ignorant men would meet with very little favor in any quarter. No public man dreams of it, and any such purpose as to the ignorant white men of this District is expressly disavowed by the advocates of restricted suffrage in this House. Sir, the real trouble is that we *hate the negro*. It is not his ignorance that offends us, but his color; for those who are loudest in their opposition to universal suffrage would be quite as unwilling to give the ballot to Frederick Douglass as to the most ignorant freedman in the South. Of this fact I entertain no doubt whatever, and I commend it to the attention of conservative gentlemen on this floor, who imagine that a vote for qualified negro suffrage will be less offensive to their negro-hating constituents than for the bill now under discussion.

In further reply to the argument which would disfranchise the negroes on account of their ignorance, allow me to say that the ruling class have made them ignorant by genera-

tions of oppression, and no man should be allowed to take advantage of his own wrong. Sir, how can the negro emerge from his ignorance and barbarism if left under the heel of his old tyrant? I agree that in any scheme of universal suffrage universal knowledge, as far as possible, should be demanded; but *universal suffrage is one of the surest means of securing a higher level of intelligence for the whole people.* I would not level the educated classes downward, but the ignorant masses upward, by giving them political power and the incentive to rise. Our first duty is to take off their chains, as the best means of preparing them for the ballot. By no means would I disparage education, and especially political training; but the ballot is itself a schoolmaster. If you expect a man to use it well you must place it in his hands, and let him learn to cast it by trial. If you wish to teach a man to swim, you must first put him in the water. If you wish to teach him how to handle the tools of the mechanic, you must first put them in his hands. If you wish to teach the ignorant man, black or white, how to vote, you must grant him the *right* to vote as the first step in his education. The negro, I am sure, will generally be found voting on the side of his country, and gradually learning his duties as a citizen. Sir, let one rule be adopted for white and black, and let us, if possible, dispossess our minds, utterly, of the vile spirit of caste which has brought upon our country all its woes.

Mr. Speaker, I reply still further, that my argument is not at all invalidated if I admit that the white people of this District are decidedly superior to the negroes in education and general intelligence. This very superiority would give them an important advantage over the class not thus favored. It would become a powerful weapon in carrying out their peculiar purposes; and these will certainly be antagonistic to the best good of those whom law and usage have so long injured and degraded. If any class will be peculiarly exposed, and need the strongest safeguards, it will be the negroes, who have been made comparative children in knowledge and self-help. All class rule is vicious; but if one class must rule another, it will be found far better to allow the prerogative to the laboring many, whose usefulness and numbers best entitle them to it, than to confer it upon the aristocracy, the "gentlemen," the idlers, who will of course maintain their privileges. The many who have been denied equal rights, and suffered from the privation, will be quite as fit for political power as the few who have had no such experience.

Mr. Speaker, I hope I need not reply to the argument often urged, that negro voting will lead to the amalgamation of races, or social equality, which now seems to mean the same thing. On this subject there is nothing left to conjecture, and no ground for alarm. Negro suffrage has been very extensively tried in this country, and we are able to appeal to facts. Negroes had the right to vote

in all the colonies save one, under the Articles of Confederation. They voted, I believe, generally, on the question of adopting the Constitution of the United States. They have voted ever since in New York and the New England States, save Connecticut, in which the practice was discontinued in 1818. They voted in New Jersey till the year 1840; in Virginia and Maryland till 1833; in Pennsylvania till 1838; in Delaware till 1831; and in North Carolina and Tennessee till 1836. I have never understood that in all this experience of negro suffrage the amalgamation of the races was the result. I think these evils are not at all complained of to this day in New England and New York, where negro suffrage is still practiced and recognized by law. Indeed, the fact is notorious, that amalgamation is almost totally unknown, except in a state of slavery, which obliterates the ties of life, and subjects the negro woman to the unbridled power of the master race. Sir, give the colored man the ballot, so that he may maintain the liberty already nominally conferred, and the best possible step will have been taken to regulate and purify the relations heretofore existing between the races. Should the copperheads and rebels of this District feel in danger of matrimony with their African fellow-citizens in consequence of negro suffrage, I would have Congress pass a law for their protection; but I would not withhold the ballot from the colored people for a reason so contingent, and so uncomplimentary to their character and taste.

Nor do I deem it necessary, Mr. Speaker, to dwell on the argument that negro voting will lead to negro office-holding, negro domination, and ultimately to a war of races. Such an argument, current as it is in certain quarters, finds no shadow of support in any known facts. The experience to which I have referred certainly can alarm no one, and the instances are rare, if in fact any can be adduced, in which colored men have held office, though their numbers, as in States like Pennsylvania, Virginia and Maryland, were very large when black suffrage was allowed. Sir, no fact is more notorious, and at the same time more discreditable, than the nearly universal prejudice of the white race in our country against the negro. That prejudice will not pass away swiftly, but gradually and slowly. Like every other form of injustice, it will ultimately die; but the prospect of this is clearly not immediate. We are certainly not yet so in love with the negro that we prefer him as our ruler; but when the fact shall be realized, it will not be negro domination, but negro rule of choice, by white as well as black suffrage, and cannot therefore lead to any war of races. This is quite evident; for though the negroes here are numerous and in portions of the South constitute the majority, the tide of emigration from the North and from Europe must very soon place the white race largely in the ascendant everywhere. I present these considerations in order, if possible, to calm the fears of my conservative friends;

for as to myself, my faith in democratic principles depends not at all upon any temporary or local results of their application. Sir, a war of races in this country can only be the result of denying to the negro his rights, just as such wars have been caused elsewhere; and the late troubles in Jamaica should teach us, if any lesson can, the duty of dealing justly with our millions of freedmen. Like causes must produce like results. English law made the slaves of Jamaica free, but England failed to enact other laws making their freedom a blessing. The old spirit of domination never died in the slave-master, but was only maddened by emancipation. For thirty years no measures were adopted tending to protect or educate the freedmen. At length, and quite recently, the colonial authorities passed a whipping act, then a law of eviction for people of color, then a law imposing heavy impost duties, bearing most grievously upon them, and finally a law providing for the importation of coolies, thus taxing the freedmen for the very purpose of taking the bread out of the mouths of their own children! I believe it turns out, after all, that these outraged people even then did not rise up against the local government; but the white ruffians of the island, goaded on by their own unchecked rapacity, and availing themselves of the infernal pretext of a black insurrection, perpetrated deeds of rapine and vengeance that find no parallel anywhere, save in the acts of their natural allies, the late slave-breeding rebels, against our flag. Sir, is there no warning here against the policy of leaving our freedmen to the tender mercies of their old masters? Are the white rebels of this District any better than the Jamaica villains to whom I have referred? The late report of General Schurz gives evidence of some important facts which will doubtless apply here. The mass of the white people in the South, he says, are totally destitute of any national feeling. The same bigoted sectionalism that swayed them prior to the war is almost universal. Nor have they any feeling of the enormity of treason as a crime. To them it is not odious, as very naturally it would not be, under the policy which foregoes the punishment of traitors, and gives so many of them the chief places of power in the South. And their hatred of the negro to-day is as intense and seething, and as universal, as before the war. I believe it to be even more so. The proposition to educate him and elevate his condition is everywhere met with contempt and scorn. They acknowledge that slavery, as it once existed, is overthrown; but the continued inferiority and subordination of the colored race, under some form of vassalage or serfdom, is regarded by them as certain. Sir, they have no thought of anything else; and if the ballot shall be withheld from the freedmen after the withdrawal of military power, the most revolting forms of oppression and outrage will be practiced, resulting, at last, in that very war of races which is foolishly

apprehended as the effect of giving the negro his rights.

Mr. Speaker, a more plausible, if not a more formidable objection to negro suffrage in this District remains to be noticed. Most of the Northern States refuse the ballot to their colored citizens, and even deny them their testimony in suits in which white persons are parties. In Indiana, which has done so noble and glorious a part in the war, we have a constitutional provision, and laws made in pursuance of it, by which negroes from other sections of our country are forbidden to enter the State. It is made a penal offence for any negro or mulatto to come into her borders, or for any white person to bring him in, or employ him after he shall have come. Now, how can the Representatives of such States be expected to vote for negro suffrage in this District? If Congress, having the sole and exclusive power of legislation here, ought to give the ballot to the negro, why should not Indiana give the ballot to her negro population? And how can western Representatives face their constituents and answer this question, after having supported this bill? And it is just here that its passage must encounter its greatest peril; for members of Congress, however patriotic, will be exceedingly glad to escape this dilemma, and to avoid the commitment to the policy of negro suffrage generally, which would seem to be implied in the support of this measure.

In seeking to meet this difficulty, several considerations must be borne in mind. In the first place, the demand for negro suffrage in this District rests not alone upon the general ground of right, of democratic equality, but upon peculiar reasons superinduced by the late war, which make it an immediate practical issue, involving not merely the welfare of the colored man but the safety of society itself. If civil government is to be revived at all in the South, it is perfectly self-evident that the loyal men there must vote; but the loyal men are the negroes, and the disloyal are the whites. To put back the governing power into the hands of the very men who brought on the war, and exclude those who have proved themselves the true friends of the country, would be utterly suicidal and atrociously unjust. Negro suffrage in the districts lately in revolt is thus a present political necessity, dictated by the selfishness of the white loyalist as well as his sense of justice. But in our Western States, in which the negro population is relatively small, and the prevailing sentiment of the white people is loyal, no such emergency exists. Society will not be endangered by the temporary postponement of the right of negro suffrage till public opinion shall render it practicable, and our western Representatives can thus vote for this bill without encountering any *reasonable* hostility from their conservative constituents, and leaving the question of suffrage in the loyal States to be decided by them on its merits. If Indiana had gone out of her proper

place in the Union, and her loyal population had been found too weak to force her back into it without negro bullets and bayonets, and it after thus coercing her again into her constitutional orbit, her loyalists had been found unable to hold her there without negro ballots, the question of negro suffrage in Indiana would most obviously have been very different from the comparatively abstract one that it now is. It would, it is true, have involved the question of justice to the negroes of Indiana, but the transcendently broader and more vital question of national salvation also. Let me add further, that should Congress pass this bill, and should the ballot be given to the negroes in the sunny South generally, those in our northern and western States, many of them at least, may return to their native land and its kindlier skies, and thus quiet the nerves of conservative gentlemen who dread too close a proximity to those whose skins, owing to some providential oversight, were somehow or other not stamped with the true orthodox luster.

It should be further remembered, Mr. Speaker, that the bill before us relates exclusively to this District, and those municipal and police powers which are to be exercised here under the laws of Congress. Were it in fact dangerous and unwise to give the negro a voice in the general legislation of the country, I can see no objection whatever to the experiment of black suffrage in this District, in the purely local administration of its affairs. For very excellent reasons, already given, I believe the negroes here are entitled to the ballot, and are at least as fit as multitudes of white men who are unquestionably to have it. They have done their full share in saving the nation's life. Many of them went into the Army as the substitutes of white ruffians and vagabonds who daily "damn the nigger," and whose unprofitable lives were saved by the black column which stood between them and the bullets of the rebels. Sir, let the experiment be fairly made here, on this model political farm of the nation. Should it fail, Congress will abandon it; should it work well, it may prove a most excellent forerunner of measures of larger justice to the colored race in our land. I do not mean to say that the colored soldiers of this District should alone have the ballot, because no such rule is proposed or thought of as to white voting. If the white rabble of this District who did not enter our Army, and who to a great extent were in sympathy with the public enemy, are to vote, as they undoubtedly will, it would be a very mean mockery of justice to withhold the ballot from loyal negroes who, although they did not fight, furnished the Government with their full share of men.

Mr. Speaker, I ask conservative gentlemen on this floor to consider duly one other fact. If difficulties are to be encountered in voting for this bill, still greater difficulties are to be met in voting against it, and I know of no half way ground in dealing with fundamental

principles. To vote against this measure is to vote against the first truths of democratic liberty. It is to vote for the old spirit of caste and the old law of hate which have so terribly blasted our land. It is to vote down justice and install misrule and maladministration as king. It is to sanction and encourage, by the national example, the barbarous and worse than heathen laws of the northern and western States, already referred to, which so loudly call for our rebuke. It is to make a record which the roused spirit of liberty and progress, and the thick-coming events of the future, will certainly disown and turn from with shame. And while such a vote might tend to placate the conservative and the trimmer, it would offend those radical hosts now everywhere springing to their feet, and preparing for battle against every form of inequality and injustice, and in favor of "all rights for all." Sir, justice is safe. The right thing is the expedient thing. Democracy is not a lie. God is not the devil, "nor was Christianity itself established by prize essays, Bridgewater bequests, and a minimum of four thousand five hundred a year." Far better will it be for a northern Representative and for the cause of Republicanism itself to vote on the right side of this question, even should it cost him his seat on this floor, than to vote on the wrong side, and thus maintain his place by the sacrifice of both his own manhood and the public welfare intrusted to his hands. Sir, I agree that the passage of this bill would tend to open the way to perfect equality before the law in all the States. I do not deny that the public would so understand it, and I decline none of the consequences of my vote. Mr. Jefferson, speaking of the negroes, declared that "whatever be their degree of talent it is no measure of their rights," and he likewise declared that "among those who either pay or fight for their country no line can be drawn." That is *my* democracy. "The one idea," says Humboldt, "which history exhibits as evermore developing itself into greater distinctness, is the idea of humanity, the noble endeavor to throw down all barriers erected between men by prejudice and one-sided views, and, by setting aside the distinctions of religion, country, and color, to treat the whole human race as one brotherhood." Sir, on this broad ground, coincident with Christianity itself, I plant my feet; and no man can fall who will resolutely maintain it.

Mr. Speaker, I must not conclude my argument without referring to one further consideration, by which the passage of this bill, in my judgment, is urgently demanded. I have argued that the ballot should be given to the negroes as a matter of justice to them. It should likewise be done as a matter of *retributive* justice to the slaveholders and rebels. According to the best information I can obtain, a very large majority of the white people of this District have been rebels in heart during the war, and are rebels in heart still. That contempt for the negro and scorn of free

industry which constituted the mainspring of the rebellion cropped out here during the war in every form that was possible, under the immediate shadow of the central Government. Meaner rebels than many in this District could scarcely have been found in the whole land. They have not been punished. The halter has been cheated out of their necks. I am very sorry to say that under what seems to be a false mercy, a misapplied humanity, the guiltiest rebels of the war have thus far been allowed to escape justice. I have no desire to censure the authorities of the Government for this fact. I hope they have some valid excuse for their action. This question of punishment, I know, is a difficult one. The work of punishment is so vast that it naturally palsies the will to enter upon it. It never can be thoroughly done on this side of the grave. And were it practicable to punish adequately all the most active and guilty rebels, justice would still remain unsatisfied. Far guiltier men than they are, the rebel sympathizers of the loyal States, who coolly stood by and encouraged their friends in the South in their work of national rapine and murder, and while they were ever ready to go joyfully into the service of the devil, were too cowardly to wear his uniform and carry his weapons in open day. But Congress in this District has the power to punish by *ballot*, and there will be a beautiful poetic justice in the exercise of this power. Sir, let it be applied. The rebels here will recoil from it with horror. Some of the worst of them, sooner than submit to black suffrage, will doubtless leave the District, and thus render it an unpeakable service. To be voted down and governed by Yankee and negro ballots will seem to them an intolerable grievance, and this is among the excellent reasons why I am in favor of it. If neither hanging nor exile can be extemporized for the entertainment of our domestic rebels, let us require them at least to make their bed on negro ballots during the remainder of their unworthy lives. Of course they will not relish it, but that will be their own peculiar concern. Their darling institution must be charged with all the consequences of the war. They sowed the wind, and if required must reap the whirlwind. Retribution follows wrong doing; and this law must work out its results. Rebels and their sympathizers, I am sure, will fare as well under negro suffrage as they deserve, and I desire to leave them, as far as practicable, in the hands of their colored brethren. Nor shall I stop to inquire very critically whether the negroes are *fit* to vote. As between themselves and white rebels, who deserve to be hung, they are eminently fit. I would not have them more so. Will you, Mr. Speaker, will even my conservative and Democratic friends, be particularly nice or fastidious in the choice of a man to vote down a *rebel*? Shall we insist upon a perfectly finished

gentleman and scholar to vote down the traitors and white trash of this District, who have recently signalized themselves by mobbing unoffending negroes? Sir, almost anybody, it seems to me, will answer the purpose. I do not pretend that the colored men here, should they get the ballot, will not sometimes abuse it. They will undoubtedly make mistakes. In some cases they may even vote on the side of their old masters. But I feel pretty safe in saying that even white men, perfectly free from all *suspicion* of negro blood, have sometimes voted on the wrong side. Sir, I appeal to gentlemen on this floor, and especially to my Democratic friends, to say whether they can not call to mind instances in which white men have voted wrong? Indeed, it rather strikes me that white voting, ignorant, depraved, party-ridden *Democratic* white voting, had a good deal to do in hatching into life the rebellion itself, and that no results of negro voting are likely to be much worse. I respectfully commend this consideration to my friend from Iowa, [Mr. Kasson,] and to conservative gentlemen here on both sides of this Hall. Sir, as I have argued elsewhere, all men are liable to make mistakes. The democracy I stand by, the fitness to govern which I believe in, is the aggregate wisdom and practical common sense of the whole people. This, and not the wisdom of our rulers, or of any select few, carried us safely through the rebellion, and this only can be trusted in time to come. There is no other reliance under God for us, as the champions and exemplars of Republicanism, and the sooner we bravely accept this truth the better it will be for all races and orders of men composing our great body-politic. In demanding the ballot in this District for the despised and defenseless, I simply demand the national recognition of Christianity, which is "the root of all democracy, the highest fact in the rights of man." I beseech gentlemen to remember this. As the lawgivers of a disenthralled Republic, let us not write "infidel" on its banner, by trampling humanity and justice under our feet in these high places of power. The question is ours to decide. The right, so earnestly prayed for, is ours to bestow. The assumption set up by the white voters here of the right to decide this question is as superlatively ridiculous as it is sublimely impudent. They have no more right to vote themselves the exclusive depositaries of power in this District than the inmates of its penitentiary have to vote themselves at liberty to go at large. Congress is the sovereign and sole judge; and what the colored men here ask at our hands, for their just protection, and as their sure refuge, is the ballot—

—————"a weapon firmer set,
And better than the bayonet;
A weapon that comes down as still
As snow-flakes fall upon the sod;
But executes a freeman's will
As lightning does the will of God."

SPEECH OF

Hon. GEORGE W. JULIAN,

IN THE HOUSE OF REPRESENTATIVES, JANUARY 29, 1866.

The House having under consideration the joint resolution reported by the committee on reconstruction for the amendment of the Constitution of the United States—

Mr. JULIAN said:

Mr. SPEAKER: Before this debate shall be concluded, I desire to submit some observations which I deem important, and which I respectfully commend to the consideration of those who advocate the proposition reported by the joint committee of fifteen. Now I shall finally cast my vote on that proposition, I cannot now certainly decide. I find difficulties in my path; and I shall feel much obliged to any gentleman who may be able and willing to clear them away, and thus, perhaps, assist others on this floor in reaching a just conclusion. I should regret, exceedingly, to separate myself from those with whom I habitually act here, by opposing the measure referred to, and I must not do so without recording my reasons; and these reasons, in so far as they possess weight, may serve as my protest against whatever is objectionable in that measure, should its modification be found impracticable, and I should finally give it my support as the best thing within our power.

Under the constitutional injunction upon the United States to guaranty a republican form of government to every State, I believe the power already exists in the nation to regulate the right of suffrage. It can only exercise this power through Congress; and Congress, of course, must decide what is a republican form of government, and when the national authority shall interpose against State action, for the purpose of executing the constitutional guarantee. No one will deny the authority of Congress to decide that if a State should disfranchise one-third, one-half, or two-thirds of her citizens, such State would cease to be republican, and might be required to accept a different rule of suffrage. If Congress could intervene in such a case, it could obviously intervene in any other case in which it might deem it necessary or proper. It certainly might decide that the disfranchisement by a State of a whole race of people within her borders is inconsistent with a republican form of government, and in their behalf, and in the execution of its own authority and

duty, restore them to their equal right with others to the franchise. It might decide, for example, that in North Carolina, where 631,000 citizens disfranchise 321,000, the government is not republican, and should be made so by extending the franchise. It might do the same in Virginia, where 719,000 citizens disfranchise 533,000; in Alabama, where 596,000 citizens disfranchise 337,000; in Georgia, where 591,000 citizens disfranchise 465,000; in Louisiana, where 457,000 citizens disfranchise 350,000; in Mississippi, where 353,000 citizens disfranchise 436,000; and in South Carolina, where only 291,000 citizens disfranchise 411,000. Can any man who reverences the Constitution deny either the authority or the duty of Congress to do all this in the execution of the guarantee named? Or if the 411,000 negroes in South Carolina were to organize a government, and disfranchise her 291,000 white citizens, would anybody doubt the authority of Congress to pronounce such government anti-republican, and secure the ballot equally to white and black citizens as the remedy? Or if a State should prescribe as a qualification for the ballot such an ownership of property, real or personal, as would disfranchise the great body of her people, could not Congress undoubtedly interfere? So of an educational test, which might fix the standard of knowledge so high as to place the governing power in the hands of a select few. The power in all such cases is a reserved one in Congress, to be exercised according to its own judgment, with no accountability to any tribunal save the people; and without such power the nation would be at the mercy of as many oligarchies as there are States. *Nationality* would only be possible by the permission of the States.

The same authority, Mr. Speaker, is claimed by eminent jurists under the constitutional amendment abolishing slavery and giving Congress the power, by "appropriating legislation," to "enforce" the provision. The word "appropriate" appeals to legislative discretion, and the word "enforce" implies such compulsory measures as Congress may deem "appropriate" for the purpose of ridding the country of every vestige of slavery, in form and in fact. "There can be no denial," said Chief Justice Parsons, not long since, "that when this whole amendment shall be adopted

Congress will have the constitutional power—be its exercise of this power wise or unwise—to rend slavery out from our whole country, root and branch, leaf and fruit, and guard effectually against its return in any form, or under any guise, or to any extent.” The nation, in other words, having given freedom to four millions of people, can make that freedom a blessing by conferring it in substance, as well as in name. It not only can do this, but is sacredly bound to do it. The right to freedom carries with it the right of way to it, and that right of way is the ballot. Without it the freedom of these people is a delusion and a lie.

The freedmen of the South are not free, and cannot be, when left to the domination of their former masters, exasperated by their defeat in a war which outraged civilization by thus aiming to perpetuate their rule. I need not argue this proposition, because no man can dispute it without ignoring the most obvious principles of human nature, and closing his eyes to well authenticated facts of recent occurrence in the island of Jamaica and in the States lately in revolt. Sir, every gentleman on this floor knows what a shadow and a mockery is the freedom thus far vouchsafed to the millions now declared free by the Constitution, and that to commit their fortunes to the tender mercies of white rebels would be like committing the lamb to the jaws of the wolf. But if I am right, then Congress could unquestionably place the ballot in the hands of the loyal freedmen, and thus arm them with the power of self-defense, and save them from a condition of pitiless serfdom, in comparison with which slavery in its old form would be a blessing. I ask, gentlemen, therefore, to remember, that should every proposed amendment of the Constitution now before this House be voted down, we shall not, I think, be wholly without a remedy for the evil we are so anxious to cure. Instead of restricting representation to actual suffrage, we can extend suffrage to actual representation, which will be far better. It is true, that the power of Congress to guaranty republican governments in the States through its intervention with the question of suffrage, has not hitherto been exercised; but this certainly does not disprove the existence of such power, nor the expediency of its exercise now, under an additional and independent constitutional grant, and when a fit occasion for it has come through the madness of treason. It will not be forgotten that we have entered upon a new dispensation. Slavery sleeps in its bloody shroud. Its shaping hand, as we believe, will no longer mould our national policy at home or abroad. Its evil genius will no longer inspire our public men, and give law to the nation from the supreme bench; but in the noonday radiance of universal liberty, the Government, I trust, in all its departments, will find its speedy deliverance from the trammels of the past. Such, at least, is my hope.

But, Mr. Speaker, I may be mistaken. We

may not be able, at a single bound, to escape the benumbing influence of slavery. Our exodus from the long and sore bondage of the past, may be tedious and toilsome. Our dwarfed manhood may require time and judicious tonics to restore its original vigor. I cannot feel at all confident in the opinion I have expressed, when I find so many distinguished gentlemen on this floor insisting that we are still bound by former interpretations of the Constitution, in the interest of slavery. I therefore favor a Constitutional amendment which shall make certain that which may otherwise remain doubtful. But I do not see how I can consistently support the amendment reported by the joint committee, though I do not say that I will not. In the first place, it seems to me that it offends the moral sense of the country. It provides “that whenever the elective franchise shall be denied or abridged in any State on account of race or color, all persons of such race or color shall be excluded from the basis of representation.” Sir, what right has any State “to deny or abridge the elective franchise on account of race or color?” To assent to such a proposition is to insult humanity and mock justice. It is, moreover, as absurd as to deny or abridge the franchise on account of the distance across the Atlantic or the height of the Alleghenies. Why not say, in the plain affirmative words of the amendment submitted by the gentleman from Massachusetts, [Mr. Elliot,] that—

“The elective franchise shall *not* be denied or abridged in any State on account of race or color?”

The distinguished chairman of the joint committee concedes the right of a State under the Constitution to disfranchise its citizens for such cause, and so does my friend from New York, [Mr. Conkling.] If they are right, then the very thing to be done is to *amend* the Constitution in that particular. Have we any authority to sacrifice the rights of a whole race in the South in order to save ourselves from the evils of unequal representation, and thus compound with injustice and oppression? Will the world justify us in protecting our own political rights and abridging the rights of white rebels at the expense of millions of freedmen who will thus be made the vicious victims of our policy? Would that be an honest payment of the debt we righteously owe them? My friend from Ohio, [Mr. Bingham] differs with his colleagues on the joint committee as to the right of a State to disfranchise her citizens, and defends the proposed amendment as a mere penalty, designed to restrain the States from violating their constitutional duty.

Mr. BINGHAM. I do not admit and never have admitted that any State has a right to disfranchise any portion of the citizens of the United States, resident therein, entitled to vote for Representatives under the second section of the first article of the Constitution, except as a punishment for their own crimes. A citizen may forfeit his right by crime, and

the State may enforce that forfeiture. I favor this amendment as a penalty in aid of the rights guaranteed by the Constitution as it now stands.

Mr. JULIAN. The gentleman misunderstands what I said. I have just stated what the gentleman from Ohio now affirms, that he defends the amendment reported by the committee as a mere penalty intended to restrain the States from striking down the rights of their citizens under the Constitution; but as we are now endeavoring to amend the Constitution, why incorporate it in a mere penalty against its violation, which at least seems to imply the right to violate it, if the penalty shall be accepted? Since the whole policy of the Government from its beginning has yielded the right of the Southern States to disfranchise their people of color, why not provide a positive prohibition of such right? Mr. Madison declared it to be wrong "to admit in the Constitution the idea that there can be property in man." So I say it seems to me wrong to admit in this amendment the idea that the rights of the citizen can be taken away by reason of color or race, and that in perfecting the organic law of the nation we should avoid any phraseology which by any possibility would admit a construction so fatal to the fundamental principle of all free government. Why temporize by adopting half-way measures and a policy of indirection? The shortest distance between two given points, is a straight line. Let us follow it, in so important a work as amending the Constitution. The advocates of the proposed amendment do not profess to be satisfied with it. They confess that it comes short of its purpose. They say they have another proposition in reserve which will cover the whole ground. Then why not bring it forward and let us meet it on its own merits? Why yield any longer to the policy of compromise? Sir, remembering the mistakes of our fathers in the beginning, and the frightful legacy to their children which has been the result, let us be warned against any short-sighted and temporary expedients to-day. Let us bring ourselves face to face with the great demand of the nation upon us, and then appeal to the people to sanction a plain, unambiguous amendment of the Constitution, which we believe to be necessary to their future security.

But the advocates of this measure, while promising us a better, frankly tell us it is the best we can now hope to secure. They defend it on this ground, and insist that our present alternative is between its adoption, and the representation of four million loyal colored people in Congress by ex-rebels, who would utterly misrepresent their wishes and trample down their rights. To this, several answers are obviously suggested.

In the first place, how do you know that the broad proposition I advocate, will fail in Congress, or before the people? These are revolutionary days. Whole generations of common time are now crowded into the span

of a few years. Life was never before so grand and blessed an opportunity. The man mistakes his reckoning, who judges either the present or the future by any political almanac of by-gone years. Growth, development, progress, are the expressive watchwords of the hour. Who can remember the marvelous events of the past four years, necessitated by the late war, and then predict the failure, of further measures, woven into the same fabric, and born of the same inevitable logic? It is only a few days since this nation, speaking through its Representatives on this floor, by a vote of 116 against 54, deliberately sanctioned the very policy I urge, as an amendment to the Constitution of the United States. Sir, if that policy is right in this District, shall we decline to extend it over the districts lately in revolt where far stronger reasons plead for it? Shall we distrust the people, who have been so ready to second all radical measures during the war, and now speak with such emphasis on emerging, with newly anointed vision, from its terrible baptism of fire and blood? And besides, how do you know, Mr. Speaker, that even the proposition reported by the committee can prevail, either in Congress or in the States? It encounters, I know, a very considerable opposition here, and I sincerely hope it may be re-committed and amended. It may encounter a greater opposition in the States. Its indirect mode of reaching a desirable result, and its apparent recognition of the infernal heresy of State sovereignty, may seriously endanger, if not totally defeat, the proposition. Sir, I hope this suggestion will not be deemed unworthy of consideration. But the question, after all, is, what amendment of the Constitution, if any, is really demanded? If we can agree as to this, then we should submit it, trusting in God, in the people, and in the great educational forces now everywhere at work, that it will prevail. Should it fail for a season, it will triumph ultimately, and in the end repay all the cost of its delay. Neither constitutional amendments nor reforms in any other direction could make such headway, if no man should ever espouse them till the people are found prepared to accept them without opposition or dissent.

Again, Mr. Speaker, it should not be forgotten that the proposed amendment, should it prevail, must fail of its purpose, till after the census of 1870. If I am not mistaken, there could be no new allotment of Representatives among the Southern States, prior to that time. If I am mistaken, and the Constitution will permit us to take another census whenever we choose, it will not make any practical difference, as no one proposes that measure, and if adopted, the re-apportionment under the new census, could not take effect sooner than the time I have named. In all these intervening years, therefore, these rebel States must have their full representations under the existing basis, or else their representatives must be kept out of Congress. If they should be admitted, prior to the passage

of the amendment, there would be no coercive authority in the hands of the Executive or Congress to constrain any State to ratify the amendment, and it could not be ratified. If the Southern Representatives should not be admitted, then the evils of unequal representation would be avoided, so long as they are kept out. The object of the amendment, therefore, namely, the reduction of rebel representation in Congress and the extension of suffrage to the whole people of the South, could not be secured before the year 1870, or 1872, if the next census shall be taken at the regular time; and then it would remain for the Southern States to say whether they would give the ballot to the negroes, or still eling to that unchristian spirit of caste and lust of power which have so long been the higher law of the South. If I am correct in making these statements, much of the alleged practical significance of the proposed amendment is made to disappear, and we are thus the better prepared to demand the amendment, really necessary and effective, or else such congressional action as shall grant suffrage to the people of the South, irrespective of color. Should both these measures for the present be found impracticable, I do not see that any great interest of the country will suffer in consequence, while the regular march of events and the great tidal force of public opinion will at length open the way for such action, in some form, as shall be required by the national exigency.

Finally, Mr. Speaker, I deny that the rebels of the South, who are the rulers of the South, would grant the ballot to the negro if the proposed amendment were now in full force. They would not do it, because their love of domination, their contempt for free labor, and their scorn of an enslaved and downtrodden race are as intense as ever. They hate the negro now, not simply as the ally of the Yankee in foiling their treason, but as the author of all their misfortunes, who, having been villainously misused by them, is of course villainously despised. They hate him with a rancor that feeds unceasingly upon every memory of their humiliation and defeat. They confront him with a hatred so remorseless, withering, consuming, that it crops out to-day in every quarter of the South, in deeds of outrage, violence, and crime, which find no parallel even in the atrocities practiced in that section under the old codes of slavery, which were codes of murder and all minor crimes. Can any gentleman read the late report of General Schutz, and listen to the testimony of the great cloud of concurring witnesses whose voices are now filling the land, respecting the popular feeling in the South, and then believe that the rebel class will ever, under any inducements, voluntarily give equal political rights to the freedmen? The leaders of southern opinion openly declare that they would rather die than give the ballot to their former slaves. While it would give their section an increased representation in Congress, that representa-

tion would be secured by the votes of negroes, and abolitionists, whose darling purpose would be to Yankeeize and abolitionize the entire South, and put the old slave dynasty hopelessly under their feet. And the old slave dynasty understands this perfectly. They know that negro suffrage, by checking rebel rapacity and restoring order, and thus rendering emigration from the North and from Europe a safe and practicable thing, will re-organize the whole structure of society in their region, and thus doom their pride and sloth to a hopeless conflict with the energy and enterprise of free labor. Do you tell me that men are governed by their own interests and that the ruling class in the South, finding no other way to serve those interests, will extend suffrage to the negroes? I answer, that long-cherished and traditional prejudices and passions are stronger than interest. It was always the true interest of the South to abolish her slavery, but she waged a horrid war to save and eternize it. She could always have increased her power in Congress by its abolition, but she loved her domination over the negro more than she loved political power. It was the interest of the northern States, long ago, to unite in checking the aggressions and the further spread of slavery in the Union, and thereby to hasten the employment of peaceable measures in the South for its abandonment; but the northern States, on the contrary, became the allies of the slave breeders in fortifying and extending their rule on this continent. It was the interest of our first parents not to sin, but the devil proved too much for them. Sir, the argument of interest will not do. Passion is stronger than interest, because, being blind, it does not perceive the best good. Before I agree to entrust the freedmen to the interest of their old masters, I want to know that they understand what their interest is, and that they have so far outlived their prejudices that they will follow it. I think no gentleman on this floor can feel sure on these points. What we want, what the nation needs for its own salvation, is a constitutional amendment, or a law of Congress which shall *guaranty* the ballot to the freedmen of the South. This is not simply his equal political right as a citizen, but his natural right as a man. As I have argued on another occasion, a voice in the Government which deals with property, liberty, and life, is not a "privilege," but *right*, and as natural, as indefeasable as the right to life itself. Government cannot rightfully withhold it, but it is as sacredly bound to secure it to all men, regardless of race or color, as it is bound to secure other rights which are accorded to them by common consent as natural. In this view I am very glad to find myself sustained by some of the ablest men in this House. Our fathers affirmed, as a self-evident truth, that all men are endowed by their Creator, with the right of life, liberty, and the pursuit of happiness; and that Governments are instituted among men to *secure* these rights, deriving their just powers from

the *consent* of the governed. Sir, let us not shrink from the practical vindication of this truth. Let us recognize no such anomaly in our free system of government as a disfranchized citizen, innocent of crime, but prize the franchise as so sacred that a man without it shall everywhere, and of necessity, wear the brand of a convicted enemy of society. Let us not preach a mere lip-democracy, while we confess by our acts, our faith in the maxims of despotism. Let us not, with the warnings of the past before us, still continue to deny the very gospel of our political salvation, and arm the absolutists of the Old World with weapons fatal to every just theory of republicanism. Let us not make enemies and outlaws of four million people, among whom no traitor or sympathizer with treason has ever yet been found; who were eager to help us

from the very beginning of our struggle, and as soon as we were ready gladly furnished nearly two hundred thousand soldiers to aid in saving the nation's life; and who, if allowed justice at our hands, will be found in the future, as they have been in the past, our effective auxiliaries and faithful friends.— Above all, let us remember, for our own sake as well as that of the colored race, that justice is omnipotent; that her demands must be met to the uttermost farthing, and cannot be slighted without offending the Most High; and that if, when our pathway is lighted up by the fires of a stupendous civil war, which the whole world interprets as the avenger of these wronged millions, we now turn a deaf ear to their cries, our guilt as a nation, and our retribution, will find no precedent in the annals of mankind.

The Punishment of Rebel Leaders.

SPEECH OF

Hon. GEORGE W. JULIAN,

IN THE HOUSE OF REPRESENTATIVES, APRIL 30TH, 1866.

The House having under consideration the following resolution:

Resolved, (as the deliberate judgment of this House,) That the speedy trial of Jefferson Davis, either by a civil or military tribunal, for the crime of treason or the other crimes of which he stands charged, and his prompt execution, if found guilty, are imperatively demanded by the people of the United States in order that treason may be adequately branded by the nation, traitors made infamous, and the repetition of their crimes, as far as possible, be prevented,

MR. JULIAN said:

MR. SPEAKER: In demanding the punishment of the chief rebel conspirators, I beg not to be misunderstood. I do not ask for vengeance. I feel sure there is no man in the country, however intense his loyalty, who would inflict the slightest unnecessary suffering, or any form of cruelty, upon even the most flagitious of the confederate leaders. What the nation desires, and all it asks, is the ordinary administration of justice against the most extraordinary national criminals. The treason spun from their brains, and deliberately fashioned into the bloody warp and woof of a four years' war, and the winding-sheet of a half million of men, ought to be branded by the nation as a crime. It ought to be made "odious" and "infamous." The punishment of that crime, prescribed by the Constitution, is death; and I am just as unwilling to see the Constitution set aside and made void in this respect, in the interest of vanquished rebel leaders, as I was to see it trampled under foot by their armed legions while the war continued. Indeed, the punishment of these leaders is a necessary part of the logic of their infernal enterprise, and without it the rebellion itself, instead of being effectually crushed, must find a fresh incentive to renew its life in its impunity from the just consequences of its guilt. It will not do to say these leaders have been sufficiently punished already, by the failure of their treason, the loss of their coveted power, and their humiliation, poverty, and disgrace. Kindred arguments would empty our jails and penitentiaries, and make the administration of criminal justice everywhere a farce. The way of all transgressors is hard; but this hardship cannot justify society in failing to protect itself by fitly chastising its enemies. Justice to the nation whose life has been attempted, and to the assassins who made the attempt, is the great demand of the hour.

And here, again, Mr. Speaker, I hope I shall be understood. In pleading for justice I mean of course public justice, which seeks the prevention of crime by making an example of the criminal. Human laws do not pretend to fathom the real moral guilt of offenders. They have no power to do this. Their sole aim is the prevention of crime. They have nothing to do with that retributive justice which graduates the punishment of each transgressor by the exact measure of his guilt. To the great Searcher of all hearts belongs this prerogative, while society, acting through Government as its agent, and having an eye single to its own protection, must deal with its criminals. This, sir, is my reply to the plea often urged that we should not hang the rebel leaders, because we can not also hang the leading sympathizers of the northern States who are perhaps more guilty. The Government has nothing to do with the question of degrees of moral guilt or blameworthiness, either in the North or the South. Its concern is with the nation's enemies, whose overt acts of treason have made them amenable to the laws, and whose punishment should be made a terror to evil doers hereafter. The fact that our power of punishment can not reach all who are guilty, including many men in the loyal States who richly deserve the halter, is no reason whatever for allowing those to go unwhipped who are properly within the reach of public justice.

And the same reasoning applies to the argument sometimes urged against all punishment, founded on the numbers who would fairly be liable to suffer. The question is frequently asked, would you build a gallows in every village and neighborhood of the South? Would you shock the Christian world by the spectacle of ten thousand gibbets, and the hanging of all who have been guilty of treason, or even a respectable fraction of their number? I answer, I would do no such thing. Public justice and the highest good of the State do not require it. I would simply apply the ordinary rules of criminal jurisprudence to the question, and as in other conspiracies, so in this grand one, I would mete out the severest punishment to the ringleaders. Most undoubtedly I would give them a constitutional entertainment on the gallows; or should the number of ringleaders be too great, or the guilt of some of them be

less flagrant than others, perpetual exile might be substituted. The rebel masses, both on the score of their numbers and their qualified guilt, should have a general amnesty; but by no possible means would I spare the unmatched villains who conceived the bloody project of national dismemberment, and by their devilish arts lured into their horrid service the ignorant and misguided people of their section. Whoever may escape justice, either North or South, or whatever embarrassments may belong to the problem of punishment at the end of this stupendous conflict, nothing remains so perfectly clear and unquestionable as the duty of the nation to execute the great malefactors who fashioned to their uses all the genius and resources of the South, and throughout the entire struggle invoked all the powers of hell in their work of national destruction.

Mr. Speaker, the adequate punishment of the rebel leaders involves the whole question of the rebellion itself. It is not a matter which the Government may dispose of indifferently, but is vital to the nation's peace, if not to its very existence. To trifle with it is to trifle with public justice and the holy cause for which the country has been made to bleed and suffer. It is to mock our dead heroes, and confess our own pusillanimity or guilt. It is to make treason respectable, and put loyalty under the ban. It is to call evil good and good evil; and since God is not to be mocked, it must in some form bring down upon our own heads the retribution which we may only escape by enforcing the penal laws of the nation against the magnificent felons who have sought its life.

Sir, I shall take it for granted that treason is a crime, and not a mere accident or mistake. In this most frightful and desolating struggle there is transcendent and unutterable guilt; and I take it for granted that that guilt is on the side of those who wantonly and causelessly took up arms against the nation, and not on the side of those who fought to save it from destruction. Treason is a crime, and therefore not a mere difference of opinion; a crime, and therefore not an honest mistake of judgment about the right of a State to secede; a crime, and therefore not a mere struggle of the South for independence while the North contended for empire; a crime, and therefore not a mere "misapprehension of misguided men," as some of our copperhead journals affirm; a crime, and the highest of all crimes, including all lesser villainies, and eclipsing them all, in its heaven-daring leap at the nation's throat; and therefore those who withstood it by arms were patriots and heroes, fighting for nationality and freedom, against rebels whose sure and swift punishment should be made a warning against the repetition of their deeds.

Mr. Speaker, if a man were to come into our midst and persuade us that treason and loyalty are about the same thing; that right and wrong, good and evil, virtue and vice, are

convertible terms; that God and Satan are in fact the same personage, under different names, and that it matters little under whose banner we fight; and if he could thus enlist us in the work of uprooting the foundations of Government, of morals, of society, of everything held sacred among men, would he not be the most execrable creature in the universe? If he could indoctrinate mankind with his theory of "reconstruction," would not this beautiful earth of ours be converted into a first-class hell, with the devil as its king? Sir, you dare not trifle with this question of the punishment of traitors. Theory goes before practice. Right believing, on moral or political issues, precedes right acting; and you touch the very marrow of the rebellion when you approach the question of the punishment of the rebels. Sir, there is not a State in this Union, nor a civilized country on earth, which in the treatment of its criminals sanctions the sickly magnanimity and misapplied humanity of this nation in dealing with its leading traitors. No civilized Government, in my judgment, could possibly be maintained on any such loose and confounded principles. Crime would have unchecked license, and public justice would not even be a decent sham. No man will dispute this, or fail to be amazed that, in dealing with our red-handed traitors, whose crimes are certainly unsurpassed in history, and have filled the land with sorrow and blood, we utterly decline to execute against them the very Constitution which they sought to overturn by years of wholesale rapine and murder.

Sir, this fact is at once monstrous and startling. We seize the murderer who only takes the life of one man, indict him, convict him, and then hang him. Undoubtedly some murderers escape punishment through pardons and otherwise, but certainly the penalty of death is inflicted in most countries. The pirate, who boards a vessel on the sea, and murders a few sailors, is "chased by the civilized world to the gallows." The plea in his behalf of magnanimity to a vanquished criminal would not save him, and his friends would scarcely urge it. Public justice demands the sacrifice of his life, and no one expects him to be spared if fairly convicted. But Jefferson Davis is no ordinary assassin or pirate. He did not murder a single citizen, but hundreds of thousands of men. He did not board a ship on the sea and murder a few sailors, but he boarded the great ship of state, and tried, by all the power of his evil genius, to sink her, cargo and crew, with the hopes of the world forever, into the abyss of eternal night. And is not his guilt as much greater than that of an ordinary assassin or pirate as the life of a great republic is greater than the life of one man? Was not each one of these leaders a national assassin, aiming his bloody dagger at the country's vitals, and is not his guilt multiplied by the millions whose interests were imperiled? And shall justice only

be defied by the world's grandest villains and outlaws, and mercy defile herself by taking them into her embrace?

Mr. Speaker, Jefferson Davis was a favored child of the Republic. He had been educated at the nation's expense, and upon him had been lavished the honors and emoluments of office. He owed his country nothing but gratitude and fidelity, and no man understood these obligations better than himself. Again and again he had asked his Maker to witness that he would be faithful to the Constitution, which at the time he was plotting to destroy. Long years before the rebellion he had been inoculating the public opinion of the South with the poison of his heresies, and secretly hatching his treason in the foul atmosphere which he helped to create. His perfidy was most cold-blooded, deliberate, and premeditated. In order to blast the Government of his fathers, and establish upon its ruins a confederacy with slavery as its corner-stone, he has ruthlessly wrapped his country in fire and blood. He has wantonly destroyed the lives of more than two hundred and fifty thousand soldiers, who gloriously perished in resisting his treason in arms. He has maimed and crippled for life more than two hundred and fifty thousand more. He has duplicated these atrocities in his own section of the Union. He has organized grand conspiracies in the North and Northwest to lay in rapine and blood the towns and cities and plantations of the whole loyal portion of the land. He has put to death, by the slow torture of starvation in rebel prisons, sixty thousand brave men who went forth to peril their lives in saving the country from his devilish crusade against it. He has deliberately sought to introduce into the United States and to nationalize among us pestilence, in the form of yellow-fever; an enterprise which, had it succeeded, would have startled the very heavens above us with the agony and sorrow it would have lavished upon the land. He stands charged by the Government with the murder of the President of the United States, and that charge, as I am well assured, is amply verified by proofs which will very soon be given to the public, and awaken a stronger and sterner demand for his punishment. He has instigated the burning of our hotels. He has planted infernal machines in the tracks of his armies. He has poisoned our wells. He has murdered our wounded soldiers. He has made drinking cups of their skulls and jewelry of their bones. He has spawned upon the world atrocities so monstrous as to defy all definition, and which nothing but the hot incubation of the slave power, as the ripe fruit of its two hundred years of diabolism, could have warmed into life. Sir, he has done every thing, by the help of his confederates, that an incarnate demon could do to let loose "the whole contagion of hell," and convert his native land into one grand refuge of devils.

Mr. Speaker, the pardon of a criminal so transcendently guilty would be an act in itself

strongly partaking of treason against the nation. It would be at once a monstrous denial and a frightful mockery of justice. Do you plead for mercy to the great confederate assassin? I refer that plea to the Father of Mercies, who, I believe, only pardons on condition of repentance; and as yet I have heard of no rebel leader who even professes penitence for his crimes. Sir, I repudiate, as counterfeit, the mercy which can only be exercised by trampling justice under our feet, while it forgets both justice and mercy to the millions who have been made to mourn through stricken lives by the human monsters who plunged our peaceful country into war. The loyal people of the nation demand that they be dealt with as criminals. For myself, I would not have a civil trial for the leader of a belligerent power, which has maintained a public war against us for years. The nation can not afford to submit the question of the right of a State to secede to a jury of twelve men in one of the rebel States, and a majority of them traitors, under an implied alternative that if they fail to convict, the Government itself would stand convicted of half a million of murders. After the nation has established its right to exist by a four years' war, it can not put that right on trial by a jury of its conquered enemies, or any earthly tribunal. Sir, let Jefferson Davis be tried by a military court, as he should have been, promptly, at the time other and smaller offenders were dealt with a year ago. Let him have the compliment of a formal inquiry to determine what the whole world already knows, that he is immeasurably guilty. And when that guilt is pronounced let the Government erect a gallows, and hang him in the name of the Most High. I put aside mercy on the one hand, and vengeance on the other, and the simple claim I assert, in the nation's behalf, is justice. In the name of half a million soldiers who have gone before their Maker as witnesses against "the deep damnation of their taking off;" in the name of our living soldiers, who have waded through seas of fire in deadly conflict with rebels in arms; in the name of the Republic, whose life has only been saved by the precious offering of multitudes of her most idolized children; in the name of the great future, with its procession of countless generations of men, whose fate to-day swings in the balance, awaiting the example you are to make of treason, I demand the execution of Jefferson Davis. The gallows is the symbol of infamy throughout the civilized world, and no criminal ever earned a clearer right to be crowned with its honors.

Sir, I ask why the Constitution should be mocked when it demands his life? What right have the authorities of the Government to cheat the halter out of his neck? Not for all the honors and offices of this nation, not for all the gold and glory of the world, would I spare him if in my power; for I would expect the ghosts of three hundred thousand murdered soldiers to haunt my poor, cowardly

life to the grave. As I have said already, the punishment of the rebel conspirators is a necessary part of the work of suppressing the rebellion. Their treason was deliberately aimed at the cause of free government on earth, and they are justly to be classed among the guiltiest wretches whose crimes ever drenched the earth in blood. Every one of them should have a felon's death. The grave of every one of them should be made a grave of infamy, and the cause they served should be pilloried by all the ages to come. Sir, if you discharge the confederate chiefs because of the very magnitude of their work of carnage, you offer a public license to treason hereafter. You say to turbulent and seditious spirits every where that they have full liberty, when it may suit their convenience, to levy war against the nation, and that while it may lead their deluded followers to wholesale slaughter, *they* shall be allowed to escape. You say that although the nation participated in the hanging of John Brown as a traitor, for the crime of loving liberty "not wisely, but too well," that same nation, which has copied John Brown's example in emancipating slaves by military power, shall turn loose upon society the hideous monster who waged war to establish and eternize a mighty slave empire on the ruins of our free institutions. And you speak it in the ear of the nation as your deliberate estimate of the value of free government, whose very life is the breath of the people, that the bloody conspirator who seeks to destroy it by the hand of war is undeserving of punishment, and consequently innocent of crime.

Mr. Speaker, can we, dare we, hope for the favor of God in thus confounding the distinction between right and wrong, between treason and loyalty, and forgetting that government is a divine ordinance, whose authority can only be maintained by enforcing obedience to its mandates? I speak earnestly, because I feel deeply, on this question of the punishment of leading traitors. The grand peril of the hour comes from the mistake of the Government on this point. During the war our deserters and bounty jumpers were executed. Our brave boys, overcome by weariness, who fell asleep at their posts as sentinels, were shot. A year ago the miserable tools of Davis and Lee, selected for their infernal deeds because of their known fitness to perform them, were summarily tried and hung. But in no solitary instance has treason yet been dealt with as a crime. Pardon, pardon, pardon, has been the order of the day, as if the Government desired to make haste to apologize for its mistake in fighting traitors, and wished to reinstate itself in their good opinion. Beccaria, in his celebrated *Essay on Crimes and Punishments*, says that "clemency is a virtue which belongs to the legislator, and not to the executor of the laws; a virtue which ought to shine in the code, and not in private judgment. To show mankind that crimes are sometimes pardoned, and that punishment is not the necessary consequence, is

to nourish the flattering hope of impunity, and is the cause of their considering every punishment inflicted as an act of injustice and oppression. The prince, in pardoning, gives up the public security in favor of an individual, and by ill-judged benevolence procures a public act of impunity."

Dr. Lieber says that "every pardon granted upon insufficient grounds becomes a serious offence against society, and he that grants it is, in justice, answerable for the offences which the offender may commit, and the general injury done to political morality by undue interference with the law." With these wise and just sentiments the President of the United States, on accepting his high office, perfectly agreed. He declared that mercy to the individual is often cruelty to the State. He said that "robbery is a crime, murder is a crime, treason is a crime, and crime must be punished." He said that "treason must be made odious and traitors impoverished," and he reiterated and multiplied these declarations on very many occasions which were offered him for weeks and months following his inauguration. He repeatedly referred, approvingly, to his past record, covering declarations in favor of hanging leading traitors, in favor of dividing up their great plantations into small farms for honest and industrious men, without regard to color, and in favor of breaking up the great aristocracy of the South, and compelling the rebels to "take the back seats in the work of reconstruction." For a season the whole loyal country was electrified by the clear ring of his words, while rebels were as completely palsied and dumb. They understood the new President quite as little as his loyal friends. They expected no quarter, and studiously sought their pleasure in the will of the Executive. They would have assented gladly to any terms or conditions of reconstruction dictated by him, including even negro suffrage. Having staked all on the issues of war and lost, they felt that they were entitled only to such rights as the conqueror might see fit to impose.

Sir, this golden season was sinned away by the President, and that systematic recreancy to his pledges and record which has marked his subsequent career, has brought the country into the most fearful peril. The responsibility is upon him, and it must be measured by the magnificent opportunity which the situation afforded him for an easy solution of our national difficulties, and at the same time a solid and permanent reconstruction of the South. "No important political movement," says a famous English writer, "was ever obtained in a period of tranquillity. If the effervescence of the public mind is suffered to pass away without effect, it would be absurd to expect from languor what enthusiasm has not obtained. If radical reform is not, at such a moment, procured, all partial changes are evaded and defeated in the tranquillity which succeeds." These are suggestive and solemn words, and the reflection is a very sad one that the nation to day would have been saved

and blest, if the President had heeded them. He disobeyed the divine command to "execute justice in the morning;" and did not even remember the heathen maxim, that "the gods themselves cannot save those who neglect opportunities."

Sir, while I dislike the occupation of an alarmist, I must say that I have seen few darker seasons than the present since the first battle of Bull Run. The President has not kept the faith. He has not favored the hanging of a single rebel leader. He has not made treason infamous, nor impoverished traitors. He has not favored the confiscation of rebel estates and their distribution among the poor. He has not required traitors to take the back seats in the work of reconstruction. He has not co-operated with Congress in placing the governing power of the South and of the nation in the hands of loyal men. He has not shown himself the "Moses" of our loyal colored millions in leading them out of their grievous bondage. He has done the opposite of all these. The Richmond Times, the leading organ of treason in Virginia, says that "in his course towards the mass of those who supported the southern confederacy the President has been singularly magnanimous and wisely lenient. Nine tenths of those who for four years with unparalleled gallantry upheld the confederacy, have long since been unconditionally pardoned. The cabinet officers who counseled the president of the confederacy, the congressmen who enacted those stringent conscript and imprisonment laws which kept up our armies, and many distinguished generals of the confederate armies, have either been formally pardoned, or been released upon parole, and no one dreams that they will ever be molested in person or estate. The military bastiles of the country, with one exception, have long since been thrown open, and the distinguished confederate officers who were confined in them have been restored to their friends and families." And these Virginia traitors who thus damn our President by their encomiums openly demand the unconditional release of Jefferson Davis from prison. Judging the President by the logic of his policy thus far, the demand will be complied with. When he decided, nearly a year ago, against the trial of Davis by a military court, he virtually decided that his treason should go unpunished; for no jury of southern rebels would ever find a verdict of guilty, and the trial itself would only be an insult to the nation. Jefferson Davis, I doubt not is to be restored to his family and friends, and the argument of consistency demands it at the hands of the President.

Robert E. Lee, whose spared life has outraged the honest claims of the gallows ever since his surrender, is running at large, perfectly unmolested and safe from all harm. Black with treason, perjury, and murder, guiltier by far than the Christless wretch who obeyed his orders in starving our soldiers at Andersonville, he goes his way in peace, while the Government, in this monstrous and

appalling fact, confesses to the world that treason is unworthy of its notice. He is president of a Virginia college, and teacher of her youth. He visits Washington, and tenders his advice to our public men about the work of restoring the Union. He goes before the reconstruction committee and gives his testimony, as if an oath could take any possible hold upon his seared conscience; and all that can be said is, that his unpunished crimes are doing precisely as much to make the Government infamous as the Government itself has done to make those crimes respectable. The Legislature of Virginia endorses him as a fit man for Governor, and the champions of this proposition visit our Republican President, laud his principles and policy, and take the front seats in the house of his friends.

The vice president of the southern confederacy is likewise at large, and has been elected a Senator in Congress from his State. He also visits Washington, and gives his testimony before the joint committee of fifteen. Like the other leading traitors, he very naturally "accepts the situation," because he could not do otherwise, but he shows not the smallest token of penitence; says the rebels were in the right, and seems wholly unconscious of his real character as simply an unhung traitor, whose advice and opinions we shall only accept at their value. Leading traitors are not only pardoned by wholesale, but they hold nearly all the places of power and profit in the South. They are made Governors, judges, postmasters, revenue officers, and are likewise frequently chosen to represent their cause in Congress; and the President, our distinguished Secretary of the Treasury, and the Postmaster General, have all openly trampled under their feet the law of Congress requiring a test oath, in order that the rebels might fill these offices, and on the false pretence that loyal men could not be found qualified to fill them in a country which furnished more than forty thousand loyal white soldiers during the war. As might naturally be expected under this system of reconstruction, loyal men are more unsafe in the revolted districts now than they were before the war, while the condition of the negroes in very many localities is more pitifully deplorable than that of their former slavery. So intense and wide spread is the feeling of hostility to the Union in these regions, that loyalty is branded as both a crime and a disgrace, while even Wilkes Booth is regarded as a martyr, and his pictures hang in the parlors of "southern gentlemen," whose children are called by his name.

Nor am I surprised at the audacity of the rebel leaders. Neither do I complain, or blame them. They do not disguise their real character and opinions, because they have been made sure of the executive favor. With the President resolutely on the side of Congress in this crisis, a very different exhibition of feeling and policy would have been developed in the South. The danger now at our doors would never have appeared. The pros-

pect of another bloody war to complete the work which we supposed already accomplished would never have alarmed the country. The President has deserted the loyal millions who cursed the rebel cause at the end of a conflict of four years, and joined himself to that very cause which is now borrowing new life from the fertilizing sunshine of his favor, re-asserting its old heresies, and renewing its treasonable demands. This is at once the root and source of our present national troubles, the prophecy and parent of whatever calamity may come. The President not only opposes the will of the nation, the *policy* of the nation, as expressed through Congress, but he brands as traitors before a rebel mob leading and representative men in both Houses, who are as guiltless of treason as the great majority with whom they act. Not content with the good fellowship of the men who began the war and fought us with matchless desperation to the end, he unites with them in branding loyalty itself as treason, while he employs the power and patronage of his high office in rewarding his minions, and opposing the very men who made him their standard bearer along with Abraham Lincoln, in the faith that his loyalty was unselfish and sincere. In fact, every phase of the presidential policy, as latterly displayed, confounds the difference between loyal and disloyal men, and gives aid and comfort to the rebels by mitigating or removing the just consequence of their crimes.

Mr. Speaker, this policy, utterly fatal to the nation's peace, as I have shown, must be abandoned. The Government cannot wholly undo the mistakes of the past, but it can do much for the future, and save the loyal cause, if the people, who see the threatened danger, will set themselves to work so resolutely as to compel a change. In God's name, let this be done. Let the people speak, for the power is in their hands, and if faithful now, as they proved themselves during the war, justice will prevail. Let them thunder it in the ears of the President that the nation cannot be saved nor the fruits of our victory gathered, if in the settlement of this bloody conflict with treason right and wrong are confounded, and

public justice trampled down. This is the duty of the loyal millions; and here lies the danger of the hour. It is just as impossible for the country to prosper if it shall sanction the present policy of the Executive, as it is for a man to violate a law of his physical being and escape the consequences. The demands of justice are as inexorable as the demands of natural law in the material world; and the moral distinctions which God himself has established cannot be slighted with the least possible impunity by individuals or nations. There is a difference, heaven-wide, between fighting for a slave empire and fighting for freedom and the universal rights of man. The cause of treason and the cause of loyalty are not the same. Perjury is not as honorable as keeping a man's oath. The black flag of slavery and treason was not as noble a standard to follow as that of the stars and stripes. The leading traitors of the South should not have the same honorable treatment and recognition as the patriot heroes of the Union. The grandest assassins and cut throats of history should not defraud the gallows, while ordinary murderers are hung. Jefferson Davis should not have the same honorable place in history as George Washington. Benedict Arnold was not the *beau ideal* of a patriot, nor was Judas Iscariot "a high-souled gentleman and a man of honor," nor even a misguided citizen of his country who engaged in a mistaken cause." The green moands under which sleep our slaughtered heroes are not to have any moral comparison with the graves of traitors. The "throne of dead, lead by Stonewall Jackson," are not to contribute equally with the noble spirits of the North to the renown of our great Republic." Truth and falsehood, right and wrong, heaven and hell, are not mere names which signify nothing, but they pertain to the great veracities of the universe; and the throne of God itself is immovable, only because its foundations are justice.

Mr. Speaker, I now move that this resolution be referred to the Committee on the Judiciary.

The motion was agreed to.

SPEECH OF Hon. GEORGE W. JULIAN,

IN THE HOUSE OF REPRESENTATIVES, JUNE 16, 1866.

THE House, according to previous order, having under consideration the President's message, as in Committee of the Whole—

Mr. JULIAN said:

Mr. SPEAKER: The conflict going on to-day between Conservatism and Radicalism is not a new one. It only presents new phases, and more decided characteristics in its progress toward a final settlement. These elements in our political life were at war long years prior to the late rebellion. After the old questions concerning trade, currency, and the public lands, had ceased to be the pivots on which our national policy turned, and were only nominally in dispute, Conservatism put them on its banner, and shouted for them as the living issues of the times, while intelligent men everywhere saw that the real and sole controversy was that very question of slavery which the leaders of party were striving so anxiously to keep out of sight. Conservatism stubbornly closed its eyes to this truth. If it ever took the form of Radicalism it was in denouncing the agitation of the subject. It believed in conciliation and concession. It preached the gospel of compromise. Professing hostility to slavery, it paraded its readiness to yield up its convictions as a virtue. Resistance to aggression and wrong it branded as fanaticism or wickedness, while it was ever ready to purchase peace at the cost of principle. This policy of studiously deferring to the demands of arrogance and insolence, this dominating love of peace and cowardly dread of conflict, this yielding, and yielding, and yielding to the exactions of the slave interest, naturally enough fed and pampered its spirit of rapacity, and at last armed it with the weapons of civil war. Such will be the unquestioned and unquestionable record of history; and no record could be more blasting, as it will be read in the clear light of the future. To us belongs the privilege of taking counsel from the lesson in dealing with the yet unsettled problems of the crisis.

But Radicalism assumed a directly antagonistic position. It did not believe in conciliation and compromise. It did not believe that a powerful and steadily advancing evil was to be mastered by submission to its behests, but by timely and resolute resistance. The Radicals, under whatever peculiar banner they rallied, thought it was their duty to take time by the forelock; and with prophetic ears they heard the footfalls of civil war in the distance, forewarned the country of its danger, and pointed out the way of deliverance. In the ages to come Freedom will remember and cherish them as her most precious jewels; for had they been seconded in their earnest efforts to rouse the people and to

lay hold of the aggressions of slavery in their incipient stages, the black tide of southern domination which has since inundated the land might have been rolled back, and the Republic saved without the frightful surgery of war. This exalted tribute to their sagacity and their fidelity to their country will be the sure award of history; and its lesson, like that of Conservatism, commends itself to our study.

But the war at length came, and with it came the same conflict between Conservatism on the one hand and Radicalism on the other. Their antagonisms put on new shapes, but were as perfectly defined as before. The proof of this is supplied by facts so well known, and so painfully remembered by all loyal men, that I need scarcely refer to them. Conservatism, in its unexampled stupidity, denied that rebels in arms against the Government were its enemies, and declared them to be only misguided friends. The counsel it perpetually volunteered was that of great moderation and forbearance on our part in the conduct of the war. It denied that slavery caused the war, or should in any way be affected by it. It insisted that slavery and freedom were "twin sisters of the Constitution," equally sacred in its sight, and equally to be guarded and defended at all hazards. Its owl vision failed to see that two civilizations had met in the shock of deadly conflict, and that slavery at last must perish. Even down to the very close of the conflict, when the duller minds could see the new heavens and the new earth which the rebellion had ushered in, Conservatism madly insisted on "the Constitution as it is and the Union as it was." Its idolized party leaders and its great military heroes were all men who believed in the divinity of slavery, whose hearts were therefore on the side of the rebellion, and whose management of the war gave proof of it. And every man of ordinary sense and intelligence knows that just so long and so far as Conservative counsels prevailed, defeat and disaster followed in our steps, and that if these counsels had not been abjured the black flag of treason would have been unfurled over the broken columns and shattered fragments of our republican edifice. Let this also be remembered in digesting a policy for the future.

But here, again, Radicalism squarely met the issue tendered by the Conservatives. That slavery caused the war and was necessarily involved in its fortunes it accepted as a simple truism. Its theory was that the rebellion *was* slavery, in arms against the nation, and that to strike it was to strike treason, and to spare it was to espouse the cause of the rebels. In the very beginning of the conflict Radicalism com-

prehended the situation and the duty. It understood the conflict as not simply a struggle to save the Union, but a grand and final battle for the rights of man, now and hereafter; and it believed that God would never smile upon our endeavors till we accepted it as such. Radicalism, therefore, demanded the repeal of all laws which had been enacted to uphold and fortify slavery. It demanded the arming of the slaves against their old tyrants. It demanded emancipation as a moral and a military necessity, and a policy of the war so broadly and systematically anti-slavery as to meet the rebel power in the full sweep of its remorseless crusade against us. Its trust was in the justice of our cause and the favor of the Almighty; and just so soon as the Government turned away from its Conservative friends and joined hands with Radicalism, our arms were crowned with victories, which followed each other till the rebel power lay prostrate at our feet.

But, Mr. Speaker, the war is over. So at least we are informed by the President; and with the glad return of peace comes once more the same issue between Conservatism and Radicalism, and more clearly marked than ever before. Conservatism, true to the logic which made it the ally and handmaid of treason all through the war, now demands the indiscriminate pardon of all the rebel leaders. It recognizes the revolted States as still in the Union, in precisely the same sense as are the loyal States, and restored to all their rights as completely as if no rebellion had happened. It opposes any constitutional amendment which shall deprive the rebels of the representation of the freedmen in Congress, who have no voice as citizens, and thus sanctions this most flagrant outrage upon justice and democratic equality, in the interest of unrepentant traitors. It opposes the protection of the millions of loyal colored people of the South through the agency of a Freedmen's Bureau, and thus hands them over to starvation, and scourings, and torture, by their former masters. It opposes, likewise, the civil rights bill, which seeks to protect these people in their right to sue, to testify in the courts, to make contracts, and to own property. It opposes, of course, with all bitterness, the policy of giving the freedmen the ballot, which "is as just a demand as governed men ever made of governing," and should be accorded at once, both on the score of policy and justice. In short, it seeks to make void and of no effect, for any good purpose, the sacrifice of more than three hundred thousand lives and three thousand millions of money, by its eager service of the heaven-defying villains who causelessly brought this sacrifice upon the nation.

But on all these points Radicalism takes issue. It holds that treason is a crime, and that it ought to be punished. While it does not ask for vengeance, it demands public justice against some at least of the rebel leaders. It deals with the revolted States as out-side of their constitutional relations to the Union, and as incapable of restoring themselves to it except on conditions to be prescribed by Congress. It demands the immediate reduction of representation in the States of the South to the basis of actual voters, and the amendment of the Constitution for that purpose. It favors the protection of the colored people of the South, through the Freedmen's Bureau and civil rights bills, as necessary to make effective the constitutional amendment abolishing slavery. And for the same reason, Radicalism, when not smitten by unnatural fear or afflicted by policy, demands the ballot as the right of every colored citizen of the rebellious States. Such have been the issues between Conservatism and Radical-

ism, some of which are disposed of by time; and they are all in fact side issues, save the grand and all-comprehending one of suffrage. Let this be settled in harmony with our democratic institutions and all else will be added.

And in dealing with this problem, Mr. Speaker, whose counsel shall we follow? Shall we be guided by Conservatism, which paved the way for the rebellion by its policy of concession and compromise, which would have handed the country over to the rebels when the war was upon us if its policy had been adhered to, and to-day would give to the winds the fruits of our victory? Or shall our guide be that same Radicalism which would have averted the rebellion if its counsel had been heeded, which alone saved us when war came, and now asks us to accept its inevitable logic in seeking a true basis of peace? Can a loyal man hesitate in his answer? Sir, we can neither stand still nor take any backward step. For myself, at least, I shall press right on; and my strong faith is that the loyal people of the country will not madly attempt a halt in that grand march of events through which the hand of Providence is so visibly guiding the nation to liberty and lasting peace.

Mr. Speaker, of all the questions pertaining to the late rebellion which have been so much debated, it seems to me none could be more perfectly simple and unembarrassed than that of giving the ballot to the freedmen of the South. This would be conceded at once, if it were possible to forget the institution of slavery, and the foul legacy of prejudice and hate which it has bequeathed to us all. I believe the present discussions of the subject, and our gingerly reluctance to face the issue squarely, will hereafter be set down among the curiosities of American politics. Sir, what is the proposition? It is simply to extend our democratic institutions over the States recently in revolt, which have been overpowered by our arms, and are now subject to the national jurisdiction. The mass of the white people of the South, including those who have been in arms against the Government, have the ballot; and there is no pending proposition to deprive them of it. But we imagine insuperable difficulties in the way of giving it to the colored people, who constitute the majority in several States, who have been universally loyal, and have furnished a strong body of soldiery in the war for the Union. Can this, indeed, be true?

Alexander Hamilton, in the fifty-fourth number of the *Federalist*, speaking of the slaves, says: "It is admitted that if the laws were to restore the rights which have been taken away, the negroes could no longer be refused an equal share of representation with the other inhabitants." Most certainly he was right. Why then shrink the question! Would we do so if these colored men were white? No man will pretend it. Why not secure the ballot to the men who have been restored to their rights through the treason of their masters? "Liberty, or freedom," says Dr. Franklin, "consists in having an *actual share* in the appointment of those who frame the laws and who are to be the guardians of every man's life, property, and peace; for the *all* of one man is as dear to him as the *all* of another; and the poor man has an *equal* right, but *more* need, to have representatives in the Legislature than the rich one." And he goes on to say: "That they who have *no* voice nor vote in the electing of representatives *do not enjoy* liberty, but are absolutely *enslaved* to those who *have* votes, and to their representatives; for to be enslaved is to have governors whom *other men have set over us*; and be subject to laws

made by the representatives of others, without having had representatives of our own to give consent in *our* behalf." This, in different words, is the doctrine of James Otis, that "taxation without representation is tyranny," and was the principle on which our revolutionary fathers planted themselves in resisting British despotism. Shall we shrink from it to-day, when just emerging from a frightful civil war, caused by our infidelity to the rights of man? Are we still to love the rebels so tenderly that we must not offend them by a policy of equal and exact justice between them and the loyal men who resisted their devilish crusade against the national life? "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness; and that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed." Do we still doubt these truths, thus named self-evident, after having seen them written in fire and blood during the past four years? Men talk eloquently of the natural equality of all men, and the sovereignty of the popular will. Sir, if we are not hypocrites, why not accept these principles by reducing them to practice everywhere throughout the Republic? If all men are equal in their inborn rights, every man has the right to a voice in the governing power; and that right is as natural as the right to the breath of his nostrils. It is not a privilege, but a *right*, and you insult republicanism and brand the great Declaration as a lie, when you dispute it. You espouse the cause of absolutism at once; for if one portion of the people, black or white, can deprive another of their rights, the whole theory of American democracy is overturned. That wise men, in Congress and out of Congress, should deal with this question as a difficult and complicated one seems incredibly strange. The very horn-book of republicanism settles it; and if the teachings of our fathers are in fact to be accepted, and the poisonous exhalations of slavery shall ever be dispelled from the minds of men, a disfranchised citizen, white or colored, innocent of crime, will become an unknown anomaly. This much I say on general principles, and wholly aside from those considerations which plead imperatively for impartial suffrage in the South, on the score of justice and gratitude to the negro, the peace and well-being of society, and the stability of the Union itself.

But our power over the subject of suffrage in the States lately in revolt is disputed; and doubts respecting it are expressed even by the joint committee of fifteen in their elaborate and very able report just given to the public. Sir, I never hear these opinions and doubts uttered without unmingled astonishment. In the whole domain of politics and jurisprudence a proposition cannot be found more perfectly beyond dispute than that Congress can prescribe the qualifications of voters in the States that rebelled against the national authority, and have been subdued by our arms. I do not now speak of the power conferred in the clause of the Constitution making it the right and duty of Congress to guaranty a republican form of government to every State; though I believe it clearly confers upon us the authority to deal with the question of suffrage in all the States. Nor do I here refer to the constitutional amendment abolishing slavery, and giving Congress the power, by appropriate legislation, to enforce such abolition; though I hold it to be perfectly clear that under this clause the power over the ballot is given, since a man without it, according to the principles of radical democracy and the revolutionary authorities already referred to, is a slave—the slave of society, if not the chattel of an individual master. I waive these points, and rest the case solely on the ground of the authority of the nation to do what it pleases with rebels

whose revolt became a stupendous civil war, and was crushed by the power of war. That, sir, is the impregnable ground on which I stand, and I challenge all assailants. The revolt grew in its proportions till it became a civil, territorial war. We blockaded the rebel coast; we exchanged prisoners; we conducted the conflict according to the laws of war and the law of nations. The rebels became public enemies, and by the power of our resistless hosts we conquered them. As conquered public enemies their rights were all swept away, all melted in the fervent heat of their devilish treason and war. Not a respectable jurist in the Union will dispute this proposition, for the principles of the law of nations which govern the conduct of a civil war, and define the rights of the parties to it, are precisely those which pertain to the conduct of a foreign war. If this is not the settled law of nations, settled also emphatically by the Supreme Court of the United States, then nothing is settled, and nothing is capable of settlement. The report of the reconstruction committee, already referred to, which expresses doubt as to the power in question, asserts that "within the limits prescribed by humanity the conquered rebels were at the mercy of the conquerors. That a Government thus outraged had a most perfect right to exact indemnity for the injuries done and security against the recurrence of such outrages in the future would seem too clear for dispute. What the nature of that security should be; what proof should be required of a return to allegiance; what time should elapse before a people thus demoralized should be restored in full to the enjoyment of political rights and privileges, are questions for the law-making power to decide, and that decision must depend on grave considerations of public safety and the general welfare." This language covers the whole ground contended for. The power exists, and Congress alone must determine what is demanded by "considerations of the public safety and the general welfare." The question before us to-day is one of necessity and expediency, and not of power; a question of fact, rather than a question of law.

On this question, Mr. Speaker, I think there is very little ground for disagreement among loyal men. If the colored millions of the South need any earthly good supremely, and need it soon, it is a share in the governing power. Let us not mock them by the hope of it at some time in the distant future, conditioned upon alternatives which we tender to their enemies, but grant it now, as their imperative and instant necessity. They are at this moment prostrate and helpless under the heel of their old tyrants. But for the partial succor afforded by the Freedmen's Bureau their condition would be far more deplorable than that of slavery itself. Although the civil rights bill is now the law, none of the insurgent States allow colored men to testify when white men are parties. The bill, as I learn from General Howard, is pronounced void by the jurists and courts of the South. Florida makes it a misdemeanor for colored men to carry weapons without a license to do so from a probate judge, and the punishment of the offence is whipping and the pillory. South Carolina has the same enactments; and a black man convicted of an offence who fails immediately to pay his fine is whipped. A magistrate may take colored children and apprentice them for alleged misbehavior without consulting their parents. Mississippi allows no negro living in any corporate town to lease or rent lands. Cruising legislative devices are being invented in most of the States to restore slavery in fact. Without the ballot in the hands of the freedmen, local law, re-enforced by a public opinion more rampant against them than ever before, will render the civil rights bill a dead letter, and in the future, as it has been in the past, the national authority will be set at defiance. Even should the civil rights bill be enforced, it would be a palliative and not a cure,

since the right to sue, to testify, to make contracts, and to own property may be lawfully enjoyed without commanding a title of the respect with which the ballot arms every man who wields it. This is the sure refuge and help of the freedmen, and Congress has the same power to secure it that it has to withhold it from the rebels: the same power to make suffrage impartial that it has to prescribe any other condition whatever in the reconstruction of these States.

It, as is alleged, no such power exists over the loyal States, that certainly is no reason why we should not exercise it where we have the power. With the authority unquestionably in our hands to disfranchise all the rebels, the plan reported by the Joint Committee leaves the ballot in their hands. With strange and lavish liberality even the leaders of the rebellion are to be clothed with this sovereign attribute. They may not hold office, but they may confer it. The pirate Semmes shall not be probate judge, but his ballot shall be counted in determining who shall fill the office, and so shall the ballots of the traitors who recently tried to make piracy honorable in Alabama. General Lee cannot be President of the United States, nor Governor of Virginia, but he can march to the polls with his unhung confederates as the equal before the law, and under the old flag, of the loyalists whose valor saved the Republic. The legions of armed traitors who fought against the nation four years, and deluged it in sorrow and blood, are all to be crowned with the honor and dignity of the ballot; and as if to make treason respectable and loyalty odious, the colored people of the country, whose enslavement caused the war, and who furnished two hundred thousand soldiers in crushing the rebellion, are to be handed over to the unbridled hate and fury of their old masters.

One would naturally have supposed that vanquished rebels would be glad enough to escape with their lives, and that Congress, in conferring upon them the franchise, would at least atone for this unlooked for and undeserved liberality by a policy of justice, if not of gratitude, toward the negroes, whose loyalty was never questioned, and whose strong arms helped strike down the enemies of the nation. One would have supposed that if any party must be disfranchised it would be the rebels, and that loyal men would govern the country they had saved by their valor. I am quite sure that neither the copperheads nor the rebels themselves, till they were crested by the Executive, ever dreamed of this congressional discrimination in favor of treason. Sir, it will gladden the heart of every traitor in the Union. No loyal man can defend it with a good conscience. Its recreancy is aggravated by every fact which comes to us respecting the situation in the South. The general feeling there against the free men is that of intense hostility and envenomed hate. The institution of slavery, through the instinct of a common interest, accorded to the negro some privileges; but now he has literally "no rights which white men are bound to respect." Sharing no longer the measure of consideration which pertained to his condition as a slave, he is regarded as a despised outcast, and treated like a dog. A feeling scarcely less intolerant is evinced toward the few loyal white men in these States, who in many localities are living in constant dread of violence and murder, and are frequently waylaid and shot. Quite recently I have received a letter from a gentleman of intelligence and worth in one of the Southern States, in which he says that he and his friends and neighbors, who have been hunted in the mountains like deer all through the war because they refused to take up arms against the country, having had their houses plundered or burned, their property destroyed, and themselves reduced to beggary, are still living in constant dread of assassination; and he begs me, if possible, to procure for them from the Secretary of War transportation to the North. This is a single instance among

many of the actual condition and treatment of the loyalists of the South, under the fiendish domination of men who have been ironically styled "conquered." Sir, in heart and purpose they are less conquered than before the war. If possible they hate the Yankees, with their free schools and free institutions, more than ever. I believe their wrath is more and more a consuming fire. Down in the very depths of their souls they despise the Union, its generals, its soldiers, its statesmen, its prosperity, its peace. Upon the Freedmen's Bureau and the civil rights bill they pour out the sincerest and the most heartfelt curses. Not a man has been found among them who does not defend the right of secession, and vindicate the rebel cause. They choose as their Senators and Representatives in Congress and for the highest offices in the States the most conspicuous and guilty of their unrepentant traitor chiefs. They insult the old flag and scoff at our national songs. They commemorate the deeds and honor the tombs of their grandest villains, and refuse to the loyal colored people of the South the coveted privilege of strewing flowers over the graves of our heroes who died that the Republic might live. They crown treason as the highest virtue, and elevate murder to the rank of a fine art. Their newspapers are reeking with the foulest and most atrocious sentiments, and their manifest purpose is to scatter the baleful fires of discord and hate throughout the South. Under this new "reign of terror," emigration to the South, which we hoped would regenerate it, is interdicted, while the loyal men already there are looking about them for the means of speedy escape. Such is the Eden of blessedness and beauty which has been chiefly evoked by "my policy," and such are the people in whose hands Congress proposes to leave the powers of government, while it withholds the ballot from the only people whose redeeming agency and co-operating grace can restore order, liberty, and peace.

And these people, Mr. Speaker, who have "refined upon villainy till it wants a name," whose hearts are thus impregnated with the most rancorous hate toward the freedmen, and whose ascendancy over the South is hourly extending in all directions, are expected to give the ballot to the negro, if only we provide that otherwise he shall not be counted in the basis of representation. Sir, they will do no such thing. They would see the negro in Paradise, sooner than see him with the ballot in his hands. The madness which rushed into the rebellion in the interest of slavery, and which to-day, instead of being tamed by suffering and trial, is fiercer than ever before, will never extend justice to these people. The much-talked-of "war of races," ending in negro extermination, would be far more probable. I am certainly ready to vote, as I have done, for reducing representation in the revolted States to the basis of actual voters. No man could defend his refusal to do so; but I believe the rebels, with the President at their back, will never agree to any such amendment of the Constitution, and that with their allies in the North they will be able to defeat it. Neither with nor without such an amendment, therefore, in my judgment, is there any well-grounded hope for justice from the rebel class. The decision of the case would require years of time, since it would involve the question whether nineteen or twenty-seven States are required to amend the Constitution; and the Supreme Court could not pass upon the point till nineteen States had ratified the amendment. During all this time the freedmen would be committed to the tender mercies of their enemies instead of sharing with them at once the powers of government.

Sir, why should we decline a present duty which is as clear and as palpable as the sunlight? Why impudently propose to red-handed traitors and assassins that they may trample down the precious rights of four million helpless but loyal people, if only it shall be agreed that these downtrodden millions shall

not be represented in Congress? Why offer them a proposition which, if accepted, might be as fatal to the interests of the colored race as would have been the acceptance of the offer of President Lincoln to leave that race in bondage if the rebels would lay down their arms within a stipulated time? As I have already shown, the power to do what we wish is in our hands. Congress can enact a statute securing impartial suffrage in all the insurgent States, in which civil government is totally overthrown, and over which our power is supreme. Congress can pass enabling acts, as opportunely proposed by my distinguished friend from Pennsylvania [Mr. Stevens], providing for the calling of State Conventions in those States to form constitutions, and fixing the qualifications of voters. Congress, if it deems it expedient, can disfranchise the rebels, or any portion of them, and refuse admission to the rebellious States till they have secured impartial suffrage to their people. And finally, Congress, if constitutional amendments are necessary, can propose such as will accord with justice and the rights of man, and will therefore have the strongest pledge of their ultimate success; while, in the mean time, whatever obstacles may be thrown in our way by the accidental occupant of the White House, the great cause of loyalty and freedom will be strengthened and fortified by every honest and manly endeavor to serve it.

But it is said, Mr. Speaker, that the people are not ready for so radical a policy, and that while the reconstruction of the rebel States on a solid and enduring basis is very desirable, we must accept the necessity which compels us to regard the temper of the public feeling and the practical effects upon the harmony of the Union party which advance measures would be likely to produce.

Sir, I defend the people against this accusation against their intelligence and loyalty. My own experience is that politicians are generally, if not invariably, behind the people, and rather inclined to block up the path of popular progress than to clear the way. This was undoubtedly true during the war, and every intelligent man can recall proofs of it in abundance. The people were ready for a radical policy in the first year of the conflict, as was shown by the proclamation of General Fremont, of September 2, 1861. It was hailed with nearly universal joy by the Republican masses, while every leading Democratic paper in the country warmly approved it. So intense and wide-spread was the feeling of enthusiastic loyalty among the people from the firing upon Fort Sumter down to the revocation of this anti-slavery order, that party lines seemed utterly forgotten, and the Democratic organization in fact ceased to exist. Copperhead Democracy was a sprout from the Executive edict which Kentucky procured in the interest of slavery; but the people, at every stage of the conflict, received with open arms and grateful hearts every earnest man who came forward, and every vigorous war measure which was proposed.

Sir, why were the Union men defeated in the fall of 1862? It was because the people feared that General McClellan carried the Government in his pocket, and had no faith in his conservative policy, which bore no good fruits. The men who failed to get back to the succeeding Congress were generally the timid men who counseled policy; while the Radicals who denounced McClellan, and preached the anti-slavery gospel boldly, were successful. Why did the Unionists sweep the country in the next congressional elections? It was because of their bolder and more pronounced Radicalism. Why have our public men failed before the people in the political conflicts of the past twenty years? Not, certainly, because they outran the people in radical progress, but because the people loved courage, and felt that bolder leadership was demanded. For the truth of this I appeal to gentle-

men on this floor who have made political life a profession, and who are most familiar with the history of American politics.

A servant of the people needs to have faith in the people. In dealing with a great question involving the reconstruction of Government and regeneration of society in nearly half the territory of the Republic, he has no right to be "a negative expression, or an unknown quantity, in the algebra which is to work out the problem." He has no right to say that the people are not ready for a given policy, if he himself understands it, and is convinced that it is just and necessary. On the contrary, he will find it most safe to accept our democratic theory, that the people are capable of understanding their affairs, and of managing them through honest and fearless representatives. What our politicians most need to-day is faith, faith in the people, faith in justice, and then to add to their faith *courage*. If the policy you propose is right, nothing is so safe as to trust the people; if it is crooked, a weak and shallow expedient, a truce with justice, and not a real peace, then nothing could be more unsafe than an appeal to the voice of the people, which finally will be the voice of truth.

The people, you say, are not ready for negro ballots in the insurgent States. Sir, I would be glad to have the proof of that. Since the outbreak in 1861 they seem to have been ready for whatever has come in the rapid and stirring march of events. They were ready for the war, appalling as it was, and utterly foreign to their habits and tastes. When it came, as I have shown, they were ready for radical measures in its prosecution. They were ready, or soon became ready, to arm the negroes against their masters, and to demand the complete emancipation of the millions in chains. They were ready to sacrifice the lives of more than three hundred thousand brave men to save the Republic from dismemberment and ruin. They were ready to send sorrow into millions of households, and to entail upon their children a weary burden of debt, in order that freedom should bear rule in these States. They were ready, when the war was ended, to demand the just chastisement of the great national criminals who were the instigators of the desolating conflict. They were ready to sanction the policy of a Freedmen's Bureau to guard and care for the men and women made nominally free by the power of war. They were ready to pass a constitutional amendment abolishing slavery forever, and arming Congress with the power, by appropriate legislation, to make such abolition effective. They were ready to crown the negro with the honors of a soldier of the Republic, and ask him to help to defend it against its assassin, and thereby to pledge themselves before God and man that he should thenceforward share all the rights enjoyed by white citizens. They were ready to say, in January last, through their Representatives in this Hall, by a vote of 116 to 54, that no man under the exclusive jurisdiction of the national Government should be deprived of the ballot on account of race or color; and they have been disappointed, I am very sure, in the long delay of like action in the Senate. And they were ready, speaking through overwhelming majorities in both Houses of Congress, and in defiance of the Executive, to indorse the civil rights bill, which lacks only one short step of reaching the ballot, and the principles of which can only be defended by a logic which necessitates the grant of it as the grandest of all civil rights, and the pledge and shield of them all.

Mr. Speaker, a people who have proved themselves ready for all this will be found ready to move steadily forward towards the complete accomplishment of their grand purpose. Most assuredly they will not turn back, nor pause in their course. Their schooling during the past five years has armed them

against fear, and the man who says they are not ready for all measures required to make good to the nation the righteous ends of the war impeaches both their intelligence and their patriotism. The people are not ready! This is the cry which is daily rung out here from a chorus of voices. We ourselves are all ready, individually, for the most radical policy, if the country would sustain us. Impartial suffrage is openly indorsed as the true doctrine, which, in due season, the people will be prepared to accept. They may be ready, we are told, after the fall elections, and the hope is frequently expressed that then we shall meet the issue squarely. Almost everybody, save the most unblushing copperheads, says that negro voting in the South is the true reconstruction, and is absolutely necessary if the rebels are to vote; but the country is not ripe for it. "Personally," as Henry Clay said of the annexation of Texas, all of us "would be glad to see it," but the issue is premature.

Sir, gentlemen are themselves premature, in all such statements. The people *are* ready, in this battle of politics, and would gladly go to the front if they could, leaving the politicians to struggle in the rear. And if the voice of the loyal millions could be faithfully executed to-day, treason would be made infamous, traitors would be disfranchised, and the loyal men of the South, irrespective of color, would take the front seats in the work of reconstruction and government. Do you doubt this? If there is real union among Union men everywhere, upon any single point, it is in their absolute determination to make sure the fruits of their victory, through whatever measures may be found needful. Sir, remembering the past, can any man really believe the loyal masses will take fright at the spectacle of negro ballots in the regions blasted by treason? All civil government there is overthrown. The President himself has so officially declared. The governments extemporized there by himself are purely military, and so far as they have assumed to be more than that they are simply usurpations. This is also perfectly understood by the country. The work of organizing civil governments in these regions belongs to their people, subject entirely to the control and direction of Congress. This, too, has been officially admitted by the President. And now, if Congress, at this session, should pass the enabling act referred to, reported by the venerable gentleman from Pennsylvania, authorizing the holding of conventions to form new State governments,

and prescribing the same rule of impartial suffrage as was done by this House for the District of Columbia, would the people revolt against it? Would they even be offended? Does any intelligent, fair-minded man really believe it? The restoration of civil government in the South is undeniably necessary. That Congress alone, in co-operation with the people, can do this, is equally certain. The mode of organizing civil government in regions under the national jurisdiction is perfectly familiar to the people, and well settled by long and uniform practice. Who, then, shall be alarmed, if Congress, in rightfully initiating new governments, shall secure a voice to the colored millions who constitute more than two fifths of the people, and an overwhelming majority of those who are loyal? What Union man will recoil from a policy of impartial justice? Do we still so love our "Southern brethren" that we must necessarily give *them* the ballot, and so sympathize with their tastes and dread their ill-will that we must deny it to the freedmen? Are the people to be dealt with as idiots or madmen on this subject, and counted rational on every other? Sir, let us put away timid counsels, and face the truth like men. Let us be wise to-day. Let us have faith in the sturdy common sense and unquenchable loyalty and patriotism of the people, as becomes those who have seen them confront the greatest of trials, and never yet found them wanting. Let us not doubt, for a moment, that they will sustain us, if we ourselves have the courage which "mounteth with occasion," and will only "dare do all that may become a man." Above all, let us remember that Providential guidance which in our trials hitherto has favored us exactly in the degree we have allied our cause to justice, and withheld from us the coveted prize of success as often as we have sought it at the expense of the rights of man. That same Providential discipline will most assuredly go with us to the end, whether we bravely meet the great duties of the crisis or prove ourselves unequal to our day and our work. Nothing, therefore, is so safe, and so sure to win, as the policy which shall make this truth our guide. God give us faith in His counsels, and courage to follow them! And let us not forget that—

"The wise and active conquer difficulties
By daring to attempt them; sloth and folly
Shiver and shrink at sight of trial and hazard,
And make the impossibility they fear."

SPEECH OF

Hon. GEORGE W. JULIAN,

IN THE HOUSE OF REPRESENTATIVES, JANUARY 28TH, 1857.

The House having under consideration House bill No. 543, to restore to the States lately in rebellion their political rights, and the amendment thereto proposed by Mr. STEVENS—

Mr. JULIAN said:

Mr. SPEAKER: In view of the time already consumed in the discussion of the measure now before us, and the general desire of members to reach an early vote on the pending motion to commit, I shall endeavor to address the House as briefly as possible; and I therefore prefer, on this occasion, to submit my views without interruption. I cannot support the amendment proposed by the gentleman from Pennsylvania (Mr. STEVENS) in its present form; but I shall not vote to send it to the Committee on Reconstruction at this late hour in the session. I believe the time has come for action, and that having this great subject now before us we should proceed earnestly, and with as little delay as may be, to mature some measure which may meet the demand of the people. Nearly two years have elapsed since the close of the war, during the whole of which time the regions blasted by treason have been subject to the authority of Congress; and yet these regions are still unprovided with any valid civil governments, and no loyal man within their limits, black or white, is safe in his person or estate. The civil rights act and the Freedmen's Bureau bill are set at open defiance, while freedom of speech and of the press are unknown. The loyal people of these districts, with sorely-tried patience and hopes long deferred, plead with us for our speedy interposition in their behalf; and even the conquered rebels themselves, who are supreme in this general reign of terror, seem to be growing weary of their term of lawlessness and misrule. Sir, let us tolerate no further procrastination; and while we justly hold the President responsible for the trouble and maladministration which now curse the South and disturb the peace of the country, let us remember that the national odium already perpetually linked with the name of Andrew Johnson will be shared by us, if we fail in the great duty which is now brought to our doors.

Mr. Speaker, my first objection to the amendment proposed is that it practically confounds the distinction between treason and loyalty by allowing the elective franchise to the great

body of the criminals who strove, through four bloody years, to destroy the nation's life. No such policy can have my sanction. The sixth section of the amendment, which seeks to guard against this by the affidavit which it requires, would prove a delusion and a snare. I will read the form of the oath which it prescribes:

I, A. B., do solemnly swear, on the Holy Evangelists of Almighty God, that on the 4th day of March, 1864, and at all times thereafter, I would willingly have complied with the requirements of the proclamation of the President of the United States, issued on the 8th day of December, 1863, had a safe opportunity of so doing been allowed me; that on the said 4th of March, 1864, and at all times thereafter, I was opposed to the continuance of the rebellion and to the establishment of the so-called confederate government, and voluntarily gave no aid or encouragement thereto, but earnestly desired the success of the Union, and the suppression of all armed resistance to the Government of the United States; and that I will henceforth faithfully support the Constitution of the United States and the Union of the States thereunder.

Sir, of what value would be such an oath? In exacting it, instead of protecting the rights of loyal men we should build a safe bridge over which every rebel in the South could pass back into power. How could perjury be assigned upon such an affidavit? By what process could the prosecutor prove, on the trial, the hidden purpose or the secret intention of the party? I have little faith in the oaths of rebels under any circumstances. If our experience in the late war establishes any general rule in such cases, it is that the oath of a traitor proves nothing but the perjury of the villain who takes it. Most assuredly we could not rely upon it where the man who swears runs no risk of being brought to account; and the exaction of such an oath of men who have ruthlessly lifted their hands against their country is scarcely less than a mockery.

But if it be granted that this oath would be honestly taken, it does not follow that we should now restore the franchise on any such cheap and easy conditions. Are we willing thus to degrade and belittle this great right, the highest expression of citizenship, and its truest safeguard? Must we make haste to share the governing power of the country with the rebel hordes who fought us nearly three years, because they grew weary of their enterprise on the 4th day of March, 1864, and desired then to give it up? Is treason against the nation an offense so slight, an affair so

trifling, that no real atonement for it shall be demanded? Sir, these are grave questions, and the state of our country to-day demands that Congress shall ponder them. The citizen's duty of allegiance and the nation's obligation of protection are reciprocal. The one is the price of the other, and the compact is alike binding upon both parties. When the rebels broke this compact by attempting the crime of national murder their right of citizenship was forfeited, and the nation has the undoubted right to declare the consequences of that forfeiture by law. It not only has the right, but in my judgment is sacredly bound to exercise it. And why? Because, in the language of Vattel, "Every nation is obliged to perform the duty of self-preservation."⁷ The only solid foundation of national security is the allegiance of the citizen; and the most solemn duty which is at this moment devolved upon the Congress of the United States is the duty of keeping the Government of the country in the hands of loyal men. No Government can be secure, and no Government deserves to live, which allows its enemies a common and equal voice with its friends in the exercise of its powers. This nation has hitherto recognized this principle. In the very first years of the Republic, Congress sanctioned the perpetual disfranchisement of the leader and principal officers of Shay's rebellion; and the acts of Congress which warrant the exercise of this power of disfranchisement stand in full force and unchallenged on your statute-books. Congress, during the rebellion, deprived of all rights of citizenship those who deserted from the military or naval service, or who, after being "duly enrolled," left the United States or their military districts to avoid a draft. Certainly these offenses are no greater than the crime of treason, persisted in for successive years. The authority of Congress in all such cases rests upon the universal law of nations. It grows out of the contract of allegiance and the duty of every nation to preserve its own life; and therefore no trial and conviction by any judicial tribunal are necessary as a condition of the declared forfeiture. The forfeiture is not declared as a punishment for the violation of any criminal law, but as a safeguard against national danger. It is an expression of the same policy which excludes aliens from the rights of citizens. The power is not unconstitutional, for our fathers, in framing the Constitution, recognized the law of nations, as they were compelled to do, in launching the Republic among the independent Powers of the world. Nor is it at all affected by the question whether the districts lately in revolt are States in the Union or territorial provinces. In both States and Territories the national authority must be held paramount as to the rights of citizenship, which has uniformly been regarded as a national question. If the second section of the first article of the Constitution gives to the States the power to say who shall vote, this must necessarily be understood to apply only

to those who are citizens of the United States, since otherwise the national authority might be overthrown by aliens in our midst in combination with citizens. The late war for the Union has been carried on at immense cost for the purpose of demonstrating to all the world that we are a *nation*; and every nation, according to the high authority already quoted, "has a right to every thing that can ward off imminent danger, and keep at a distance whatever is capable of causing its ruin; and from that very same reason that establishes its right it has also the right to the things necessary to its preservation."

Mr. Speaker, with what face can we denounce the President for his wholesale pardons, and charge him with making treason honorable and loyalty odious, if we ourselves voluntarily clothe with the honor and dignity of the ballot the men who have forfeited all their rights by their crimes against their country? With what consistency can we declaim against the monstrous blood-guiltiness of treason while we extend to the traitor the right hand of political fellowship? Sir, not a single rebel has yet expiated his crime on the gallows. Not one has even been tried. Neither confiscation nor exile has been the portion of the armed assassins and outlaws who summoned to their untimely graves more than three hundred thousand heroes of the Republic, and made the civilized world stand aghast at the recital of their crimes. I do not say we should disfranchise the rebels because the President has allowed them to go unpunished, but that loyal men alone can be trusted to govern the country they have saved; and that the false clemency of the Executive is the exact reverse of a good reason for restoring traitors to power. Nor do I argue that perpetual disfranchisement will certainly be necessary, but that the nation, for its own safety, should withhold the ballot from its enemies till they have proved themselves fit to cast it. No such proof can be adduced. On the contrary, the spirit of treason is now quite as reeking and defiant in the revolted districts as at any time during the war. In the sunshine of the President it has sprouted up into new and more vigorous forms of life, while repentant rebels are unknown, save in the sense of regretting the failure of their treason. Sir, I hope the Thirty-Ninth Congress will not sully its good name by confounding the friends of the country with its enemies in the reconstruction and government of the districts blighted by treason, and thus trample down the great principle that allegiance to the nation is the condition of citizenship and the bulwark of our freedom. To do this would be to surrender our strongest weapons to the President and his rebel allies. It would be disloyalty to the great cause which would thus again be imperiled, and bring dishonor upon the graves of our martyred legions, who perished in deadly encounter with the traitors whom we now propose to restore to their lost rights.

Mr. Speaker, I further object to the measure

before us, that it is a mere enabling act, looking to the early restoration of the rebellious districts to their former places in the Union, instead of a well-considered frame of government, contemplating such restoration at some indefinite future time, and designed to fit them to receive it. They are not ready for reconstruction as independent States on any terms or conditions which Congress might impose; and I believe the time has come for us to say so. We owe this much to their misguided people, whose false and feverish hopes have been kept alive by the course of the Executive and the hesitating policy of Congress. I think I am safe in saying that if these districts were to-day admitted as States, with the precise political and social elements which we know to exist in them, even with their rebel population disfranchised and the ballot placed in the hands of radical Union men only, irrespective of color, the experiment would be ruinous to the best interests of their loyal people and calamitous to the nation. The withdrawal of Federal intervention and the unchecked operation of local supremacy would as fatally hedge up the way of justice and equality as the rebel ascendancy which now prevails. Why? Simply because no theory of government, no forms of administration, can be trusted, unless adequately supported by public opinion. The power of the great landed aristocracy in these regions, if unrestrained by power from without, would inevitably assert itself. Its political chemistry, obeying its own laws, would very soon crystallize itself into the same forms of treason and lawlessness which to-day hold their undisturbed empire over the existing loyal element. What these regions need, above all things, is not an easy and quick return to their forfeited rights in the Union, but *government*, the strong arm of power, outstretched from the central authority here in Washington, making it safe for the freedmen of the South, safe for her loyal white men, safe for emigrants from the Old World and from the northern States to go and dwell there; safe for northern capital and labor, northern energy and enterprise, and northern ideas to set up their habitation in peace, and thus found a Christian civilization and a living democracy amid the ruins of the past. That, sir, is what the country demands and the rebel power needs. To talk about suddenly building up independent States, where the material for such structures is fatally wanting, is nonsense. States must *grow*, and to that end their growth must be fostered and protected. The political and social regeneration of the country made desolate by treason is the prime necessity of the hour, and is preliminary to any reconstruction of States. Years of careful pupilage under the authority of the nation may be found necessary, and Congress alone must decide when and upon what conditions the tie rudely broken by treason shall be restored. Congress, moreover, is as solemnly bound to deny to disloyal communities admission into our great sisterhood of States as it is to deny the

rights of citizenship to those who have forfeited such rights by treason.

I have thus far, Mr. Speaker, addressed myself to considerations which appeal to men of my own political faith. There is a theory of reconstruction held by gentlemen on the other side of the House, according to which the rebels, the moment they laid down their arms and confessed themselves vanquished, were entitled to resume all their rights as citizens, just as if they had had not rebelled, and to set in motion the machinery of their State governments, be represented in Congress, and enjoy all and singular the rights and privileges of other citizens of the United States. Sir, I shall not consume much time in noticing this strange theory, which was so happily disposed of by the gentleman from Ohio [Mr. Shellabarger] on Friday last. I must, however, do its friends the honor of confessing it to be entirely original. I think no such principle can be found in the law of nations, I am quite sure there is no historical precedent for it, and that the precedents are strongly the other way. One of these, and a very notable one, I may refer to, as illustrating the difference between the congressional and presidential theories of reconstruction. I understand that when Satan rebelled against the Almighty he was accommodated with quarters somewhat more tropical and less salubrious than the kingdom he had involuntarily abdicated. To speak plainly, he was plunged into hell; and he "accepted the situation." According to one account of the transaction he said it was—

"Better to reign in hell than serve in heaven;"

and he has not been "reconstructed" to this day. But according to the modern theory to which I refer, the devil, when he was finally overpowered and was willing to acknowledge it, was that moment entitled to be reinstated in his ancient rights in Paradise, exactly as if he had not sinned. That I understand to be the Democratic theory of reconstruction. But Satan, devil as he was, never had the infernal audacity to insinuate so monstrous a pretension; and it was reserved for the followers of Andrew Johnson, nearly six thousand years later, to startle the civilized world by its avowal. Mr. Speaker, let me not be misunderstood here. I do not desire to see the rebels follow in the footsteps of their illustrious predecessor. There may have been times when it seemed to me they deserved a similar treatment. It may even have occurred to me, in some of my profaner moments, that if there is not a pretty respectable orthodox hell on the other side of the grave for the special discipline of the rebel leaders, it would seem to be the grandest oversight that divine Providence could possibly have committed. But in confronting the dangers which now beset our country, I put aside these theological fancies; and what I demand, and all I ask, is that Congress shall organize a well-appointed political *purgatory*, located in the rebellious districts, and keep the rebels

in it until by their penitence and a change of their lives they shall satisfy us that they can again be trusted with power. Let us put them on probation; and should it require ten years, or twenty years, to qualify them for restoration, or secure an outside element strong enough to rule the rebel faction, let the time be extended. The grand interests involved plead with us to "make haste slowly," while voices from the graves of our slaughtered countrymen beseech us to "keep none but loyal men on guard." When the rebels, conscious of the ruin they have wrought, shall wash away their guilt in their tears of genuine contrition, then, and not till then, let us restore them to our embrace.

And now, Mr. Speaker, if any gentleman asks me what plan of government I would institute for the probation and pupillage of these districts I am ready to answer him. But before I do that I desire to say what forms of reconstruction I do not favor. In the first place, I oppose any cunningly devised scheme like that reported by the gentleman from Ohio [Mr. Ashley] from the Committee on Territories, with its popular conventions, its committees of safety, its provisional governors, and other machinery designed to meet the ugly fact that we have a bad man in the presidential chair, whose usurpations it is pretended we must checkmate by these extraordinary measures. If the President has been guilty of high crimes and misdemeanors, let him be impeached and hurled from power. I believe he is thus guilty, and therefore I believe our first duty is to call him to account. Instead of gradual approaches and flank movements we should confront him at once with our accusations and demand his trial. Instead of lopping off the branches we should strike at the root of our troubles, and no significance or insignificance of the executive office as now filled should stand in the way of our constitutional duty. If the President is not guilty of high crimes and misdemeanors, in the sense in which those terms were understood by our forefathers, and according to the precedents they had before them, then the right of impeachment is not even a "scarecrow," as Mr. Jefferson styled it. But if I am mistaken, and the country is doomed yet longer to endure his maladministration, then let us adopt precisely such measures of government for the rebellious districts as would be necessary and proper if we had an honest man in the place of Andrew Johnson, thus affording him the opportunity, should he seek it, to provoke new conflicts with the people by opposing our measures. Should his madness fail to supply us, abundantly, with the grounds for a successful impeachment, the sands of his official life will soon run out at the worst, while the management of the rebel territory demands a policy which may last for indefinite years. As the friends of the Constitution and the champions of law, we can best perform our duty by adhering to the well-settled forms and usages of our republican institutions.

I oppose, in the second place, any plan of reconstruction which attempts to reconcile opposite and utterly irreconcilable theories. If the rebellious districts are States, known to the Constitution as such, they have the right to be represented on this floor and in the other end of the Capital. They have all the rights of the other independent States of the Union, and the work of reconstruction is done already. The logic of this theory, if accepted, not only vindicates the policy of the President, but brands the legislation of Congress for nearly six years past as a deliberate usurpation. This is the rebel theory, and those who have accepted it, with all its consequences, are consistent and brave men, who are entitled to the thanks of all the enemies of their country. But if you reject this theory, then you are driven squarely over to the policy of unqualified radicalism, for there is no middle ground on which to stand. If these districts are not States known to the Constitution it must follow inevitably that the Constitution knows them only as Territories, for which Congress is bound by the express words of the Constitution to "make all needful rules and regulations." Sir, I am opposed to any scheme of compromise between these theories, and to any plan of reconstruction which embodies in it any elements of the rebel theory. The policy of Congress and the President in reorganizing those districts as States, while exercising over them powers utterly inconsistent with the rights of States, has brought upon us our worst troubles, and the sooner we abandon it the better it will be for the country. The nation needs a manly and straightforward policy, and not the weakness and vacillation which spring from crooked and ambidextrous measures which lend strength to the enemies of the Republic.

Mr. Speaker, the theory which deals with the rebellious districts as under the exclusive jurisdiction of Congress rests upon grounds which are logically impregnable. In the first place, their old constitutional governments were overthrown and destroyed by the rebellion. This will not be disputed. Second, their rebel governments, which followed, were destroyed by our arms. This is equally certain. Third, their present governments, extemporized by the President, are military and provisional only, having no validity whatever save that which they borrow from the continued acquiescence of Congress. The President himself can be quoted in support of this proposition. And fourth, the rebels themselves, having forfeited all their rights by their treason, as I have already shown, have no authority to institute any sort of government within their respective districts, until they are expressly empowered so to do by Congress. If I am right in these positions, these districts are so many geographical divisions of the Republic whose people are wholly without any valid civil government, and without any constitutional power to frame such government; and being solely under the juris-

diction of Congress, and having none of the powers and attributes of States, they are necessarily Territories of the United States. As such they need government till they are prepared for readmission, and the machinery of territorial governments, older than the Constitution itself, is as familiar to the American people as that of the State governments. Let each of these Territories then have a governor, a chief justice, a marshal, and an attorney. Let each of them have a Delegate in Congress, fitly denied the right to vote, while permitted to speak. Let each have a legislature for the enactment of local laws, subject to the supervision of Congress. Let Congress declare who shall be qualified to vote in these Territories, adopting the same rule already established in the other Territories of the United States and in the District of Columbia. And when local supremacy shall defy the national authority in any of these Territories, let it be effectually curbed by the military power of the United States. Under this educational process, I would have these rebellious districts trained up in the way they should go, whether the time required for such training shall prove long or short; while in the mean time every inch of their soil will be subject to the national authority, and freely open to the energy and enterprise of the world. This policy, by nationalizing the South, would render life and property as secure in Louisiana as in Maine. It would tend powerfully to make our whole country homogeneous. It would encourage in these wasted regions "small farms," thrifty tillage, free schools, closely-associated communities, social independence, respect for honest labor, and equality of political rights." All these blessings must follow, if only the nation, having vanquished its enemies, will now resolutely assert its power in the interest of loyal men, over regions in which nothing but power is respected.

To all this, Mr. Speaker, it will be objected that it contravenes the policy of the constitutional amendment proposed by Congress at our last session, and therefore can not in good faith be urged while that amendment is pending. Several replies to this objection are at hand. First, it must be remembered that this amendment was submitted to the several States. Congress had no right to propose it to unorganized districts which had no constitutional governments of any sort, and therefore no power to pass upon the question. Could we, for example, submit this amendment to Colorado or Nebraska, before they have been lawfully declared States! Congress at the last session, might have waived all formalities and recognized the rebellious districts as States by receiving their representatives, as was done in the case of Tennessee; but we refused to do this. Congress even declined to pass the bill reported from the Reconstruction Committee providing that these so-called States should be received on their acceptance of the amendment. It is perfectly certain, therefore that Congress

reserved for its future judgment the very question which is assumed to have been decided by the objection under notice; or, that if Congress did decide it the decision was the other way. The very utmost that can be claimed by the champions of the constitutional amendment is that the question is an open one; and, being an open question, Congress may decide it to-day by putting territorial governments over these regions, leaving the amendment to the disposition of the loyal States, whose representatives in Congress for nearly six years past have ignored the existence of disloyal States in dealing with the mighty concerns of war and peace and the amendment of the Constitution itself. I believe the pending amendment will be ratified; but in voting to submit it I do not think Congress is at all embarrassed in its present action. I can say for myself at least, that I am perfectly untrammelled, either by my votes in this House, or by pledges or commitments anywhere; while I believe the general understanding at the last session was that the amendment embodied provisions which were demanded as national safeguards, without pretending to supply any final solution of the problem of reconstruction.

But I reply, in the next place, that even if Congress at the last session bound itself by an implied agreement to admit these districts as States on their ratification of the amendment, we are now released from that obligation. With singular unanimity and emphasis they have rejected our proposal, and thereby left us free. Sir, are we bound to wait here five years or ten years, for them to ponder the question and reverse their decision, after they have already defiantly spurned our offer, allowing the rebel power in the meanwhile to have free course? I do not so understand the bargain, if any bargain has been made. We have the right to plead our release, and the state of the country demands that we shall exercise it. Since our session of last summer great changes have been wrought in the general feeling of the people. We see daily the truth of the old adage that "circumstances alter cases." Public opinion has forced Congress to establish manhood suffrage in the District of Columbia, and thereby to say that that principle should prevail in all the States of the Union. Congress has extended it over all the Territories of the United States, constituting an empire large enough to support a population of two hundred millions of people. Congress has voted for the admission of Colorado and Nebraska on the fundamental condition of their acceptance of the same principle, and thus advertised all whom it may concern that other States yet to be born must comply with the same condition. Most certainly the like requirement will be made of the districts lately in arms against us, whatever may betide the constitutional amendment. God forbid that we should impose conditions upon the virgin States of the Northwest, which have never rebelled, and whose people to-day are loyal, which we will

not exact of the rebels who have drenched their country in blood! Sir, we cannot trifle with a principle so vital, or expose it to any sort of hazard. I voted last year against restoring Tennessee to her place in the Union, because I feared she could not be trusted without a mortgage from her securing the ballot to her colored loyalists. I hope my fears will prove groundless, but I shall never regret my vote. The loyal people of Maryland to day, black and white, would be safer under Federal bayonets than under their local governments; and Congress, where it has the power, must exert it against the enemies of the country and their sympathizers. I shall never vote to restore one of these rebel districts to power as a State, except upon the condition that impartial suffrage without respect to race, color, or former condition of slavery, shall be the supreme law within her borders. Sir, we can no longer evade the solemn duty which the logic of events has at last made plain to the lovers of justice; and the man who now thrusts constitutional amendments in our way might as well quote the Crittenden resolutions, adopted by this House the day following the first Battle of Bull Run, as the governing principle of the Thirty-Ninth Congress.

I add, finally, and as a conclusion from what I have said already, that the second section of the proposed amendment ought never to be made a part of the Constitution of the United States. It would not now be proposed, if the question were pending as a new one, as our action at this session has plainly indicated. I voted for it, along with the other sections of the amendment, simply as a proposal to reduce the political power of the rebels to a common level with that of loyal men; but instead of cutting down representation in these districts to the basis of actual suffrage, I think we are now ready so to extend the franchise as to make it commensurate with actual representation. An amendment of the Constitution securing this result should have been proposed at the last session. When, in our extremity, we called on the black loyalists of the South to help us through the red sea of war into which our wickedness had plunged us, and they responded to our call by sending two hundred thousand soldiers to our rescue, it thence-forward became the nation's duty, from which no escape was mor-

ally possible, to secure the rights of citizenship, both civil and political, to the wronged and outraged millions of the African race in our midst. It thence-forward ought to have been counted a shameful proposition, a flagrant affront to common justice and gratitude, for Congress to propose to the rebels, as a constitutional amendment, that if they would agree to the exclusion of these loyal colored men from the basis of representation, we would agree to surrender them to the tender mercies of rebel State governments, which might wholly deprive them of the sacred right of representation. Sir, I hope no such principle will ever defile the Constitution of our fathers. Aside from its cold-blooded ingratitude to our black allies, it is radically vicious. It impliedly concedes to the States of the Union the right to disfranchise male citizens of the United States over twenty-one years old who are innocent of crime, and thus strikes at the root of all democracy. If "taxation without representation is tyranny," and Governments derive "their just powers from the consent of the governed," the citizen's right of representation is as natural and inherent as the breath of his nostrils. To deprive him of it, unless he himself forfeits it by his offences against society, is a crime against his manhood, which is the common foundation of the rights of all men. It is an offense against all free government, for the right of one citizen to a voice in its public administration is precisely the same as the right of every other citizen; and no fraction of citizens, however large, can deprive the remainder of their common and equal right. To deny this is to mock the Declaration of Independence and insult the memory of our fathers; and to incorporate the denial into the Constitution of the United States, in words which express or imply it, would strengthen the hands of every rebel in the South, and comfort the enemies of American democracy throughout the world. It would pollute the very fountains of our national life by the unnatural marriage of the Constitution to the foul heresy of State rights, which so recently wrapped the Republic in the flames of war; while it would stand in open conflict with that grand central principle of our great Charter which declares that "the United States shall guarantee to every State in this Union a republican form of government."



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